

PLANNING COMMITTEE

26 JULY 2017

1 PM THE EXECUTIVE MEETING ROOM,
3RD FLOOR, GUILDHALL

REPORT BY THE CITY DEVELOPMENT MANAGER ON PLANNING APPLICATIONS

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

All applications have been included in the Weekly List of Applications, which is sent to City Councillors, Local Libraries, Citizen Advice Bureaux, Residents Associations, etc, and is available on request. All applications are subject to the City Councils neighbour notification and Deputation Schemes.

Applications, which need to be advertised under various statutory provisions, have also been advertised in the Public Notices Section of The News and site notices have been displayed. Each application has been considered against the provision of the Development Plan and due regard has been paid to their implications of crime and disorder. The individual report/schedule item highlights those matters that are considered relevant to the determination of the application

REPORTING OF CONSULTATIONS

The observations of Consultees (including Amenity Bodies) will be included in the City Development Manager's report if they have been received when the report is prepared. However, unless there are special circumstances their comments will only be reported VERBALLY if objections are raised to the proposals under consideration

APPLICATION DATES

The two dates shown at the top of each report schedule item are the applications registration date- 'RD' and the last date for determination (8 week date - 'LDD')

HUMAN RIGHTS ACT

The Human Rights Act 1998 requires that the Local Planning Authority to act consistently within the European Convention on Human Rights. Of particular relevant to the planning decisions are *Article 1 of the First Protocol- The right of the Enjoyment of Property, and Article 8- The Right for Respect for Home, Privacy and Family Life*. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. In taking planning decisions, private interests must be weighed against the wider public interest and against any competing private interests Planning Officers have taken these considerations into account when making their recommendations and Members must equally have regard to Human Rights issues in determining planning applications and deciding whether to take enforcement action.

Web: <http://www.portsmouth.gov.uk>

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01

16/02090/FUL

WARD:CHARLES DICKENS

122 CHURCH ROAD PORTSMOUTH PO1 1QE

CONVERSION TO FORM 5 FLATS INCLUDING CONSTRUCTION OF NEW MANSARD ROOF, GROUND FLOOR REAR EXTENSION AND ASSOCIATED EXTERNAL ALTERATIONS AND CYCLE/REFUSE STORES

Application Submitted By:

Town Planning Experts
FAO Mr Jonathan McDermott

On behalf of:

Mr L Tilley

RDD: 19th December 2016

LDD: 25th August 2017

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle, whether it would provide an appropriate standard of living accommodation for future occupiers, whether it would affect the amenities of the occupiers of neighbouring properties and whether the proposed alterations and additions would be acceptable in design terms. Other issues to consider are whether the proposal meets policy requirements in respect of SPA mitigation, car parking and refuse/recyclable materials and bicycle storage.

The Site

This application relates to a two-storey public house located to the corner of Church Road and King Albert Street. The building comprises a public house with associated storage facilities at ground floor level with ancillary living accommodation at first and roof level. This long narrow site abuts a short terrace of dwellings and a communal car park on its western side and fronts directly onto the footway on its eastern side.

The surrounding area is predominantly residential in character with a mix of terraced houses and larger blocks of flats.

Proposal

Planning permission is sought for the conversion of the building to form five flats including the construction of a new mansard roof and ground floor rear extension and associated external alterations and cycle/refuse stores.

Relevant planning history

An application for the conversion of the building to form 6 flats including the construction of a replacement mansard roof, dormer windows to the east roof slope, first floor rear extension and cycle and refuse stores was refused in 2007 (ref. 07/01546/FUL). The reasons for refusal were as follows:

1. The proposed first floor rear extension and mansard roof would, by virtue of their excessive height sited onto the boundary with the adjoining property, result in a wholly inappropriate and unneighbourly form of development that would result in the adjoining property suffering loss of

light, outlook and the creation of an oppressive sense of enclosure. The proposal is therefore contrary to policy DC5 of the Portsmouth City Local Plan 2001-2011.

2. The proposed mansard roof would, by virtue of its bulk and top-heavy appearance, result in the creation of an inappropriate and incongruous feature detrimental to the appearance of the existing property and the visual amenities of the area. The proposal would therefore prove contrary to policy DC1 (ii)(iii)(vii)(viii)(x) of the Portsmouth City Local Plan 2001-2011.

3. In the absence of a suitable agreement the development does not make provision to secure appropriate sustainable transport contributions. As such the proposed development is unsatisfactory and contrary to policies DC25/DC27 of the Portsmouth City Local Plan 2001-2011.

4. In the absence of a suitable agreement the development does not make provision to secure appropriate open space contributions. As such the proposed development is unsatisfactory and contrary to Policy DC46 of the Portsmouth City Local Plan 2001-2011.

POLICY CONTEXT

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS13 (A Greener Portsmouth), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes) and PCS23 (Design and Conservation). The Parking Standards SPD, the Housing standards SPD and the Technical housing standards - nationally described space standards are also relevant to the proposed development.

CONSULTATIONS

Highways Engineer

The application site is located in the Fratton area of Portsmouth. The existing building is used as a public house and has living accommodation with 5 bedrooms above. The application site occupies a corner location at the junction of Church Road and King Albert Street. Both roads have on-street parking controlled by yellow line restrictions and are subject to 20mph speed limits.

No transport assessment has been provided with the application however given the small scale of the development, The Highways Authority is satisfied that the trip generation associated with the development will not result in a material impact upon the local highway network.

The Portsmouth Parking SPD (2014) gives the expected level of parking provision that should be allocated for new developments. The proposed new dwellings are all 1 bedroom properties therefore all have a parking demand of 1 space as per the SPD. This would total 5 spaces for the application. Currently, the building has a mixed use, a public house at ground floor level and a 5 bedroom living accommodation on the first and second floors. The residential accommodation would have a parking demand of 2 spaces. The public house is a local amenity and thus the HA would not expect the use to generate demand for more than two/three parking space at any one time therefore the HA expect the existing parking demand largely the same as the development proposed and as such the HA is satisfied that the proposal is acceptable in parking terms.

The Parking SPD also gives the expected level of cycle parking that should be provided for new residential developments. The 5 properties proposed would each require 1 secure, overnight space. A secure cycle store is shown on the supplied plans with space for 3 Sheffield type stands providing 6 cycle spaces (1 for each flat + 1 visitor space). This meets the SPD requirements and is acceptable.

As this application stands, the HA would not wish to raise a Highways objection.

Environmental Health

EH confirm that it has no objections or recommendations to make with regards to this development.

Contaminated Land Team

A condition relating to land contamination is not required. However, the developer should be made aware that the property is in close proximity to several potentially contaminative historic land uses, including a smithy/farriers, and as such there is the potential for contamination to exist on this site.

An informative should therefore be added, advising the developer that they should contact this department if any unexpected materials are found.

Natural England

The above application is within 5.6km of Portsmouth Harbour SPA and will lead to a net increase in residential accommodation. Natural England is aware that Portsmouth City Council has recently adopted a Supplementary Planning Document (SPD) or planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

Provided that the applicant is complying with the SPD or policy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

REPRESENTATIONS

Two letters of representation have been received, one in support and one in objection. The objection can be summarised as follows:

- a) Loss of the public house and a local amenity; and
- b) Additional residential units within an existing densely populated area.

The letter of support can be summarised as follows:

- a) Loss of a public house which causes problems for the area;
- b) There are other pubs nearby;
- c) Need for housing in the city; and
- d) Additional Council Tax from the new properties.

This application is brought to the Planning Committee for determination as a result of a deputation request from a member of the public in support of the proposal.

COMMENT

The determining issues in this application relate to:

1. Principle of the development;
2. Design;
3. Living conditions and Residential amenity;
4. Impact on amenity;
5. Highways implications;
6. SPA mitigation.

1. Principle

Planning permission is sought for the conversion of the building to form five self-contained dwellings following the construction of a new mansard style roof. At ground floor this would comprise two-1-bedroom flats, one with the benefit of a small rear yard. The first floor would

comprise one 1-bedroom flat and the lower section of a 1-bedroom maisonette with the final one-bedroom flat positioned within the roof space. All of the flats would be accessed from a central hallway and staircase from King Albert Street. In the absence of any site specific policy restrictions, it is considered that the proposal is acceptable in principle.

The submitted drawings indicate a significant eaves projection along the western boundary oversailing the adjoining dwellinghouse (No.120 Church Road). This has been raised with the applicant who has provided an amended planning application form and has completed Ownership Certificate B indicating that notice has been served on the owners of the adjoining property.

2. External Alterations

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the NPPF requiring that new development should be of an excellent architectural quality; create public and private spaces that are clearly defined as well as being safe, vibrant and attractive; protect and enhance the city's historic townscape and its cultural and national heritage; be of an appropriate scale, density, layout appearance and materials in relation to the particular context; and should protect amenity and provide a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

In order to facilitate the conversion, a number of external alterations and extensions are proposed. At ground floor level a flat roof extension would replace an existing 'lean-to' conservatory feature. Given the presence of the existing structure, the replacement extension is considered to be acceptable in design and amenity terms.

The greatest change would be at roof level where the existing roof would be replaced by a taller (0.5m) mansard style feature. The existing roof on the public house is relatively shallow pitched and is fully hipped reducing its overall bulk. Whilst it has been extended on its eastern elevation with the installation of a flat roof dormer, the public house and its existing roof is relatively modest in scale and does not dominate the street scene.

The previous application in 2007 incorporated a similar mansard style roof, albeit with a shallower pitch, with a series of firewall features and arched topped dormers. It was considered that 'the proposed mansard roof would, by virtue of its bulk and top-heavy appearance, result in the creation of an inappropriate and incongruous feature detrimental to the appearance of the existing property and the visual amenities of the area'. This application has sought to reduce the bulk of the proposed roof structure by removing the firewall features and reducing the number of dormers. However, the resultant design still remains top heavy and over dominant, exacerbated by increased pitch of the mansard roof compared to that of the previous scheme and the significant eaves overhangs on each elevation. This would be most obvious when viewed from the north and south due to the modest width of the building. With the loss of more interesting architectural details (arched top dormers and firewalls) which would have helped break up the length of the roof, it is considered that the design changes are a retrograde step and in no way overcome the previous reason for refusal.

3. Living Conditions and residential Amenity

The National Planning Policy Framework states at paragraph 9 that "pursuing sustainable development involves seeking positive improvements ... in people's quality of life, including ... improving the conditions in which people live ... and widening the choice of high quality homes". Paragraph 17 states that one of the core planning principles is to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings". Policy PCS19 of the Portsmouth Plan, the supporting Housing Standards SPD and the 'Technical housing standards - nationally described space standard' requires that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate.

All of the proposed flats would exceed the minimum size standards set out within the Technical Standards for 1 person units, although would fall well short of the requirement for a two person dwelling. Although the bedroom sizes (excess of 11.5sq.m.) would indicate double occupancy there is no other information to indicate occupation by two individuals per unit. The maisonette would meet the required standard for a 1 bedroom, 2 -person unit across two storeys. Overall it is considered that the proposal would provide an appropriate standard of living conditions for future occupiers with access to a good degree of natural light and outlook. It is noted that the development would not provide external amenity space for all residential units as required by Policy PCS16. However, this is often difficult within conversion schemes and could not be achieved in this instance.

In terms of residential amenity, the only property likely to be affected by the physical alterations would be No.120 Church Road situated immediately to the west. No.120, a two-storey end of terrace property, is separated from the application building by a side garden with the closest point between the two structures measuring 3.3 metres. As a result of the application building's position directly onto the boundary No.120 and the neighbouring properties have an outlook onto a blank two-storey elevation which also includes a parapet feature (a total of 7.2 metres in height).

The previous application at the site which included a two-storey rear extension to the public house was considered to be harmful to the amenity of the occupiers of the adjoining properties to the west in terms of loss of light, outlook and the creation of a strong sense of enclosure. The current application would also result in an increase in height along the full length of the shared boundary. However, having regard to the existing outlook onto the flank wall of the application building, the slight pitch of the mansard roof away from the boundary and the absence of any further extension to the rear of the application building, it is considered that the impact of the proposed development would be reduced from that previously considered and would not be so harmful as to sustain a similar reason for refusal. Therefore, it is considered that the proposal overcomes the first reason for refusal associated with planning application 07/01546/FUL.

Having regard to the lawful use of the building and previous use of the site, it is considered that the proposal would not have a significant adverse impact on the amenity of adjoining occupiers in terms of noise and disturbance.

The western roof slope would incorporate three small dormer windows annotated as obscure glazed and fixed shut. These windows would serve a communal stairwell and private hallways. These windows would be positioned directly onto the boundary and would effectively take light across land beyond the applicant's control which is not considered to be ideal in planning terms. However, on the basis that these windows would be positioned at high level, would be obscure glazed, would service corridors, and there are no long term plans to develop the adjoining site, it is considered that the windows would not result in any significant privacy or overlooking issues or sterilise development at the adjoining site.

4. Highways Implications

The application has been considered by the City Council's Highway Engineer who highlights that given the small scale nature of the development and existing lawful use of the building, the trip generation associated with the development will not result in a material impact upon the local highway network.

The Portsmouth Parking SPD (2014) gives the expected level of parking provision that should be allocated for new developments. For 5 one-bedroom flats the expected demand would be for 5 spaces. However, having regard to the existing demand associated with the public house and the large ancillary flat above, it is considered that the net increase in demand across the site would be negligible and is unlikely to place significant additional pressure on existing on road parking facilities in the area.

The proposed facilities for the storage of refuse, recyclable materials and bicycles is considered to be acceptable and could have been required through a suitably worded planning condition have the proposal been acceptable in all other respects.

SPA Mitigation

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated as a Special Protection Area, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. The SPD sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

The proposal would lead to a net increase in population, which would be likely to lead to a significant effect as described in section 61 of the Habitats Regulations on the Portsmouth Harbour and the Chichester and Langstone Special Protection Areas (SPAs) (as set out in sections 2.8-2.9 of the Solent Special Protection Areas Supplementary Planning Document). The development is not necessary for the management of the SPA. No indication of mitigation (4 x £181 having regard to the existing ancillary living accommodation) has been provided by the applicant. As a result, the scheme would be likely to lead to a significant effect on the SPAs and does not meet the provisions of the Habitats Regulations. As such, the proposals would be contrary to policy PCS13 and the Supplementary Planning Document in relation to the Special Protection Areas.

In considering this application regard has been made to the benefits of the proposal in providing much needed dwellings within the city and the contribution it would make towards the city's housing targets. However, this is not considered to be sufficient to outweigh the significant concerns in respect of design highlighted above.

RECOMMENDATION Refuse

The reasons for Refusal are:

- 1) The proposed roof extension would, by virtue of its combined height, bulk, pitch and projection beyond the walls below, amount to a visually prominent, incongruous and top heavy form of development that would fail to relate in an appropriate manner to the recipient building, the adjoining properties or the wider street scene. The proposal would therefore be contrary to the aims and objectives of the National Planning Policy Framework and policy PCS23 of The Portsmouth Plan.
- 2) Without appropriate mitigation the development would be likely to have a significant effect on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas and so is contrary to Policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended).

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework it was not considered that the harm arising from the proposal could be overcome and the application has been refused for the reasons outlined above.

LAND NORTH OF CATHERINE HOUSE STANHOPE ROAD PORTSMOUTH**CONSTRUCTION OF PART 10 & 12 STOREY BUILDING TO FORM 152-BEDROOM HOTEL (CLASS C1) AND ADDITIONAL BASEMENT LEVEL COMPRISING 5176 SQM OF FLOORSPACE (GEA), TO PROVIDE CAR PARKING ON BASEMENT/GROUND FLOORS ACCESSED FROM STANHOPE ROAD****Application Submitted By:**

Phil Salmon Planning Ltd
FAO Mr Phil Salmon

On behalf of:

CHG Property Developments Ltd
FAO Mr L Pink

RDD: 13th February 2017

LDD: 8th June 2017

SUMMARY OF MAIN ISSUES

The main issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are the principle of a hotel, highways implications, impact on trees, design including the appropriateness for a tall building in this location and its impact on heritage assets, sustainable design and construction, and impact on residential amenity.

Site and surroundings

Covering an area of 0.125ha, the site is in a prominent gateway position into the city centre. It is located on the north side of 'Catherine House' (ex-Zurich House) and on the west side of Stanhope Road overlooking the junction between Stanhope Road, Unicorn Road, Edinburgh Road, and Bishop Crispian Way. It is 130m from the pedestrian precinct at Commercial Road, just 176m from the Portsmouth and Southsea Railway Station and Edinburgh Road bus interchange area only 60m away.

The site itself comprises of previously laid out car parking spaces that served Zurich House in its former use as offices, an area of landscaping accommodating a group of trees and an area of footway hardstanding that is currently part of the public highway but during works of construction next door is enclosed by security hoardings.

To the west, the site abuts Victoria Park and in recognition of its importance the park is registered under the Historic Buildings and Ancient Monuments Act 1953 within the Register of Historic Parks and Gardens by English Heritage for its special historic interest. It was first registered in 1984 and is Grade II listed; one of four park pedestrian entrances is situated immediately next to the application site. Victoria Park was laid out on the former glacis and adjacent open land of the Portsea ramparts. The park is a fine example of late 19th century municipal landscaping with belts of vegetation screening the park from surrounding roads and buildings. A collection of monuments were moved to the park from various sites around the city, including a miniature marble Chinese temple of 1899-1902 commemorating HMS Orlando. Victoria Park is one of only three registered parks and gardens in the city. It was planned and laid out in 1878 by Alexander Mackenzie, a garden designer of national significance in the mid/late Victorian period. The design of the park was influenced by picturesque principles which can be seen in the meandering layout of the paths, and the strong diagonal axis bisecting it.

The site is located within the City Centre, as defined by policy PCS4 of the Portsmouth Plan. It immediately adjoins and affects the setting of 'The Guildhall and Victoria Park' Conservation Area (No18). The conservation area comprises of three main parts, the civic quarter including the Guildhall and War Memorial, main university campus centred around Burnaby Road and Victoria Park. There is a considerable number of other nearby heritage assets but those assets in closest proximity to the application are identified below.

Listed Buildings - Grade II:

The former Connaught Drill Hall in Stanhope Road

*Cathedral Church of St John the Evangelist

The *Cathedral (1877-96) for the Roman Catholic Diocese of Portsmouth is in the 'French' gothic style with curved apse. The building has aesthetic value through its rich and impressive architectural detailing and historic value as the first catholic cathedral in the city. Although, separated by Bishop Crispian Way, Victoria Park extents the entire flank of the cathedral and is the key element in its southern setting. The Cathedral is largely screened from the park (and from open views of 'Catherine House' and the development site) by the park's railings, hedge, shrubbery and the intermittent tree cover along the length of its boundary.

Undesignated heritage assets on the list of locally important buildings:

13 Edinburgh Road - dated 1898, a prominent corner building with turret and short ogee shaped spire and decorative gable

Railway level crossing gate - a vestige of the old railway line that provided a service to HM Naval Base nearby to the north

There are also public utilities (electricity undertakings - low and high voltage cables) crossing the northernmost part of the application site as well as running parallel to and in close proximity to the common boundary that connect to the sub-station, a built/tile pavilion, nearby in the Park.

Proposal

Planning permission is sought for a 152-bedroom hotel (Class C1). The applicants, CHG Developments, are described as having extensive experience of delivering 'Travelodge' hotels across the south of England. In a part 10 and 12-storey building of 5,176sqm of gross internal floorspace, the proposal would comprise of 8 floors (from second to ninth floor) each with 19 rooms providing one accessible room, nine family rooms, and nine double rooms. An elliptical tower forms the corner feature onto the junction of Edinburgh Road/Stanhope Road. An ancillary restaurant area would be provided at first floor level.

51 car parking spaces are proposed on site, over two levels, at basement and ground floors. Vehicular access would be shared with 'Catherine House' next door and remains in the same position as the existing entrance from Stanhope Road that served the previous surface parking area. A stopping up order would be required to close that part of the site forming the public highway (presently located behind the site security hoarding surrounding the site). This proposal displaces 5 car parking spaces on the 'Catherine House' site required to serve the halls of residence (by planning permission ref 15/00821/FUL).

A service/loading bay would be provided on Stanhope Road.

Existing trees are located both within the site and immediately adjoining it, whose canopies extend across the boundary. The trees within the site are required to be removed to facilitate the hotel building. The construction of basement/ground floor level car parking includes a retaining structure up to the common boundary of Victoria Park. To provide these two floors of parking for 51 cars, the embankment would need to be excavated and existing established trees immediately abutting the north-east corner entrance of Victoria Park would also be lost. The boundary between the site and Victoria Park currently comprises of temporary hoardings in front

of anti-climb weldmesh fencing. A traditional brick wall, with recessed panels, is proposed to be built up to the boundary of the park.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS11 (Employment Land), PCS4 (Portsmouth city centre), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS23 (Design and Conservation), PCS24 (Tall buildings),

Saved policy

DC21 (Contaminated land) of the Portsmouth City Local Plan

Site-specific policy PCS11 (employment land) relates to the application (formerly part of Zurich House). PCS11 seeks to encourage economic growth by protecting sites for 'employment uses' (use class B1, B2 and B8) and also specifically identifies the Station Square and Station Street area as the location within the city centre where new office development will be expected to be delivered. It also sits within a policy context of PCS4 and related City Centre masterplan that sets out guidance for acceptable 'city centre' uses for the site, including ground floor retail, with offices, hotels and / or residential uses above. Conversion and extension to a halls of residence within Class C1 accepted the loss of offices at the former Zurich House.

Objective 3 of the Portsmouth Plan is sought to be achieved by "Providing tourist related facilities, including hotels, to support the visitor industry in the areas linked to the city's waterfront and maritime heritage" (para 2.13, p.15). Tourism South East data (2013) estimates the city has 9.2 million visitors each year with over 12,000 jobs supported by tourism. Portsmouth hotel supply data (March 2015) showed the city to be served by 35 hotels, with 1930 letting rooms. An 84-bedroom Premier Inn in the city centre has subsequently been opened in October 2015.

A report was commissioned into future hotel requirements in the city entitled Portsmouth Hotel Futures (2007) that has shown there is need for 12-15 new hotels in Portsmouth up until 2026 and followed by an additional report South Hampshire Hotel Futures (2010) covering the sub-region, identifying the M27/A27 corridor as a likely location for future hotel growth. An updated "Hotel Investment Prospectus" (2015) has no particular planning status but identifies hotel investment opportunities as including land adjoining 'Zurich House'.

National Planning Policy Framework

At the heart of the NPPF is a presumption in favour of sustainable development which means approving development proposals that accord with development plan policies without delay (para 14). However, the presumption in favour of development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered (para 113).

The NPPF describes the purpose of the planning system is to contribute to the achievement of sustainable development and the three dimensions to achieving it: economic, social and environmental. The proposal should be assessed against development management policies in the NPPF and, in particular, the following paragraphs:

- 17 Core planning principles for decision making
- 19 Significant weight on the need to support economic growth through the planning system
- 32 Transport Statements and Assessments
- 34 Locate developments generating significant movement where need to travel minimised
- 35 Development designed for sustainable travel
- 56 Great importance to design and good design indivisible from good planning
- 57 Requires high quality and inclusive design in the built environment
- 61 Decisions should address connections between people and places

- 62 Local design review arrangements provide support to ensure high design standards
- 64 Refuse poor design that fails to improve the character and quality of an area
- 96 New development should minimise energy consumption
- 118 Principle should be applied to conserve and enhance biodiversity
- 119 Presumption in favour of sustainable development (para14) does not apply where AA required under Birds or Habitat Directives
- 120 Responsibility for a safe development where a site is affected by contamination
- 121 Site to be suitable for its new use taking account of ground conditions
- 123 Impacts of noise and air quality should be mitigated and managed
- 128 Applicants should describe the significance and potential impact on any heritage assets
- 129 Lpa's should assess significance of any heritage asset, including its setting
- 132 Great weight should be given to conservation of heritage assets
- 133 Refuse consent for substantial harm to heritage assets unless substantial public benefits outweigh that harm
- 134 Less than substantial harm to heritage assets should be weighed against public benefits
- 135 Significance of non-designated heritage assets should be taken into account
- 139 Weight to non-designated heritage assets of archaeological interest (where significant)
- 196 Applications must be determined in accordance with the development plan
- 197 Presumption in favour of development
- 204 Use of planning obligations and conditions to make development acceptable

The City Centre Masterplan SPD (January 2013) is a material planning consideration when determining planning applications on this site and (at pages 42-48) identifies 'Site 4 Stanhope Road west' as a 'significant gateway site' and states that there is an 'important opportunity to develop the site for a mix of city centre uses within a striking built form' and that 'A strong interface with Victoria Park must form part of the layout... Buildings must address and overlook the Park...'. The masterplan also provides guidance on general design principles on a range of issues, such as access points, key building elevations, active edges, storey heights, planting, materials, lighting and street furniture; the purpose of the design principles is to ensure that new development and public realm improvements are of the highest quality. Further assessment of this guidance will be made in the comments section of this report.

The Tall Buildings SPD (June 2012) is also a material consideration when determining this planning application. Policy PCS24 of the Portsmouth Plan and the Tall Buildings SPD identify a number of areas of opportunity for tall buildings within the city. The city centre is one of those areas identified as an 'area of opportunity' for tall buildings (defined as above 5 storeys and/or 20m in height). To facilitate and encourage the design of tall buildings of the highest quality the SPD also identifies criteria which any tall building should address. These are dealt with in the comments section of this report.

Other Supplementary Planning Documents (SPD) also provide relevant policy guidance:
 Parking Standards and Transport Assessments SPD (July 2014)
 Sustainable Design & Construction SPD (January 2013) and
 Reducing Crime Through Design SPD (March 2006)
 Achieving Employment and Skills Plans (July 2013).

CONSULTATIONS

Design Review Panel

Presented at pre-application stage, the panel acknowledged that some thought had gone in to this scheme and that a modest improvement on its earlier iteration had been achieved. Despite this, they considered the effort less sincere than it could have been and were disappointed by it overall.

It was noted that the scheme appeared to be a 'standard' Travelodge with the addition of an ellipse at one end. The panel discussed the architectural language of the scheme, and the unsatisfying results which its formulaic 'kit of parts' approach generated. The strictures imposed

by the brief together with the scheme's failure to respond and adapt in a more bespoke fashion to site context and constraints (in particular the adjacent listed park) were perceived as a major shortcoming of the proposal. It was felt that insufficient adaptation of a 'standardised product' has generated an unimaginative design for a site which justifies and deserves better.

The proposal was also considered problematic in relation to other factors including its relationship to public realm. The size and scale of the entrance/front door was thought 'mean' and its location inappropriate and poorly justified. The absence of active frontage at ground floor level along Stanhope Road was also considered inappropriate for a city centre building of this scale. (The panel noted the relationship between this feature, and the location and quantum of parking which it was suggested the hotel operator required).

Responses provided in the presentation indicated that the development model for the scheme would not permit the relinquishing of some or all of the parking, and would thereby prevent enhancement of the scheme's relationship with the public realm. In light of this inflexibility, and its implications, the panel questioned whether this is the right site for this type of building. In addition, there was also a lack of clarity regarding the siting of the building in relation to the eastern boundary of the grade II listed park, and the subsequent impact on trees both within the site and park (where the AVR's did not provide detail or clarity in this regard). It was also suggested that the AVR's implied a building of greater refinement than would actually be the case.

The recommendation of the panel is that the proposal not supported in its current form.

Leisure/Arb Officer

At the time of the site visit and from the drawings supplied it was clear that this proposal would have a major impact upon Victoria Park and the trees therein. It was made clear at the time and in subsequent conversations with Bernie Harverson the Arboricultural Consultant engaged by the developer that the default position in terms of this development is that the trees, in a park registered under the Historic Buildings and Ancient Monuments Act 1953 and within the Register of Historic Parks and Gardens by English Heritage for its special historic interest, form an intrinsic part of the park and their loss would not be accepted as a consequence of this development proposal. Listings and Conservation Areas notwithstanding this appears to be an attempt by developer to force a preconceived design on the trees and landscape despite the recommendations of BS5837 which states:

4.4.1 Timing

4.4.1.1 A tree survey should be undertaken by an arboriculturist to record information about the trees on or adjacent to a site. The results of the tree survey, including material constraints arising from existing trees that merit retention, should be used (along with any other relevant baseline data) to inform feasibility studies and design options. For this reason, the tree survey should be completed and made available to designers prior to and/or independently of any specific proposals for development.

and

5.1 General

5.1.1 The constraints imposed by trees, both above and below ground (see Note to 5.2.1) should inform the site layout design, although it is recognized that the competing needs of development mean that trees are only one factor requiring consideration. Certain trees are of such importance and sensitivity as to be major constraints on development or to justify its substantial modification. However, care should be taken to avoid misplaced tree retention; attempts to retain too many or unsuitable trees on a site can result in excessive pressure on the trees during demolition or construction work, or post-completion demands for their removal. The content of the Tree Survey Schedule 0899.bjhDec16 provided by Mr Harverson is accepted and agree in respect of the condition of the trees present and potentially impacted upon by this proposed development. It is noted that Mr Harverson identifies most of the trees as being of importance within either the Victoria Park landscape or at the junction of Stanhope Rd and Bishop Crispian Way:

Tree 1696 - Hornbeam (B) - a moderate graded tree of reasonable form and condition - of importance in the Park landscape.

Tree 1697 - Bay Laurel (C) - a low graded tree of poor quality and small stature and low impact in the Park landscape.

Tree 1698 - Purple Plum (C) - a low graded tree of poor quality and small stature and low impact in the Park landscape.

Tree 1699 - Sycamore (B) - a moderate graded tree of reasonable form and condition - of importance in the Park landscape.

Tree 1701 - Red Chestnut (B) - a moderate graded tree of reasonable form and condition - of importance in the Park landscape.

Group 1 - London Planes & Ash (B/C) - a moderate graded grouping of young trees with merged crowns and whilst they lack individual merit collectively they have a value in the landscape on the corner of Stanhope Road.

Additionally the trees identify the boundary of the park visually and physically separating it from the developed landscape beyond. Within the proposed development site exists a significant change in levels close to the park boundary where brick supported terracing will have formed a partial root barrier and therefore a root protection area. A change in design could embrace this at little or no risk to the existing trees within Victoria Park, whilst drawing the structure away from the park boundary. In a separate discussion between the Arboricultural Officer and Mr Harverson a level of agreement has been reached over the species of trees and potential locations for same if losses need to be mitigated should this scheme attain approval.

Recommendation - The application be refused due to the loss of trees and impact upon Victoria Park.

Coastal and Drainage

The main concern with this application is groundwater, however, it appears to have been well considered and is proposed as a basement car park only without living quarters.

Waste Management Service

No comments received.

Garden History Society

No comments received.

Southern Electric

No comments received.

Hampshire Fire & Rescue Service

HF&RS has considered the information provided and the following comments are made:

Building Regulations: Access for Firefighting

Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.

Hampshire Act 1983 Section 12 - Access for Fire Service

Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations.

Fire and Rescue Services Act 2004

Additional recommendations are offered by HF&RS on an advisory basis only (which do not form part of any current legal requirement) in relation to: Access for high reach appliances; water supplies; sprinklers; fire-fighting and the environment; and, timber-framed buildings.

Guidance should be read in conjunction with the 'Joint Code of Practice on the Protection from Fire of Construction Sites and Buildings Undergoing Renovation', published by the Construction

Confederation and The Fire Protection Association (Sixth Edition, ISBN 1-902790-33-2). Copies of the 'Joint Codes of Practice' and useful sister publication, 'Construction Site Fire Prevention Checklist' (Second edition, ISBN1-902790-32-4), are available for purchase from the FPA (www.thefpa.co.uk) and from Construction Industry Press (www.cip-books.com).

Southern Water

Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

However, the assessment indicates that the combined discharge from both foul and surface water cannot exceed 1.8 l/s. Alternatively, the developer can discharge foul and surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul and surface water system. You will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul and surface water flow will be no greater than the existing contributing flows.

Should the Local Planning Authority be minded to approve the application, SW would like the following condition to be attached to any permission:

"Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and an implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."

SW suggest the following informative:

'The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk' in order to progress the required infrastructure.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that noncompliance with Sewers for Adoption standards will preclude future adoption of the foul and

surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, the following informative is attached to the consent:

"Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Highways Contractor (Colas)

No comments received.

Environmental Health

Having reviewed the submitted documents and considered the nature of the locality there are no outright objections to the proposed development.

As there is no permanent residential accommodation associated with the development it is not considered necessary to impose any requirements to mitigate road traffic noise upon guests as it is clearly in the interests of the applicant to ensure comfortable conditions for their customers, which they have confirmed within their Design and Access Statement.

In terms of noise impacts from the operation of the development the nearest residential dwellings are currently within student halls of residence at 'Catherine House', 'The Bishops House' in Bishop Crispian Way and 'Aggie Weston House' in Edinburgh Road.

The traffic statement indicates that increased traffic flows will be minimal, however at this stage there is little detail regarding any mechanical plant associated with the development.

In terms of air quality although the scale of the development and the associated underground car park indicates a potential requirement for an air quality assessment, the predicted traffic movements and the absence of any Air Quality Management Areas likely to be affected by the development, confirms that air quality is not a material consideration.

Therefore should permission be considered appropriate it is suggested the following condition be imposed to protect the amenity of nearby residents:

"Prior to the installation of any fixed plant or equipment an assessment of noise from the operation of the plant shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority for approval. Upon approval all specified measures to mitigate any identified observed adverse effect levels due to the operation of the plant shall be implemented."

Contaminated Land Team

The supporting report is for a larger site including the former 'Zurich House' itself.

o Ground Investigation Report for Stanhope Road Land north of Catherine House. June 2015. GEA. J15094

This application comprises the northern quarter of the area investigated in this report. A later version of the report Issue #6 dated December 2015 for the Zurich House part of the site does include reference to sources omitted from this report such as the petroleum storage the location of Zurich House or the wholesale woollen merchants to the south of Zurich House.

The desk study and the updated site investigation reports with the final conceptual model should be submitted to ensure the sampling and assessment is complete for this northern end of the site. The standard conditions are therefore requested to ensure these submissions are made (where the reason for imposition is: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors).

Natural England

No comments received.

Ecology

No concerns raised that this development would adversely affect any statutory or locally-designated sites of wildlife importance, or any legally protected or notable habitats or species. However you may wish to consult Natural England (NE) on this application.

You are encouraged to seek biodiversity enhancements for this proposal. While this is a highly urban location, buildings such as this offer good opportunities to incorporate simple, low-cost, unobtrusive features that benefit a range of bird species, particularly swifts and peregrine falcon.

Highways Engineer

The Transport Statement (TS) submitted in support of this application has been reviewed and the following observations offered. The site is located immediately to the north of the old Zurich House building in part occupying a section of car park which would have been associated with that use and in part on land which is currently defined as public highway. This land is currently redundant not being required to provide parking associated with the student accommodation currently being provided in the Zurich House building. Whilst the local highway authority has no objection in principle to the stopping up of this part of the public highway, if highway rights on this land were to be rescinded control of the land would revert to the title holder.

The TS has been informed through pre-application consultation with the local highway authority and draws from that produced for the redevelopment of Zurich House updating that to reflect the impact of subsequent committed developments:

Given that the initial TS was found sound I am comfortable that this is a robust approach, I am satisfied that the application site is located in a highly sustainable location, in close proximity to both rail and bus services with significant opportunity to manage the demand for travel associated with the use by private case. Paragraph 4.1.3 of the TS determines that the proposal will increase traffic flows on the local road network in the am and pm peak periods by 4% and 3% respectively. This is likely to fall within the daily variation of traffic flow on these roads and consequently I do not believe to be a material consideration in the context of this application.

A dedicated loading bay is proposed to be provided off Stanhope Road for deliveries to the hotel. This should be reconfigured to provide a tapered entrance and exit. It should be noted that the use of any loading bay within the highway cannot be restricted for specific users rather this will be available to any vehicle making local deliveries.

The TS considers the proximity and availability of public car parks and reports in para 2.5.3 that 'Overall despite proposals to include an on-site car park there is more than sufficient external parking capacity within walking distance of the application site to cater for the proposed hotel demand.'

Despite its central location and proximity to public car parks with over 2000 spaces available for overnight parking (para 5.1.3 refers), the application proposes 51 parking spaces to be provided on the lower and ground floors to be dedicated to the hotel. Of these, 4 spaces (two on each

level) have been designed as 'accessible' spaces for dedicated use by Blue Badge Holders. The car park will also include provision for secure storage of up to 5 motorcycles and up to 10 bicycles. A parking accumulation assessment determines that in a worst case scenario the hotel will generate a demand for 52 parking spaces.

Vehicular access to these spaces will be from Stanhope Road and will share the same access arrangement as that serving Zurich House. The access arrangements require the loss of 5 parking spaces from the Zurich House basement car park with suggested management arrangements to accommodate overspill from the student halls at Zurich house within the hotel car park during student change over days. This is contrary to the specific advice given at the pre application stage vis:

'...5 spaces will be lost from those provided for the Zurich House development although 5 spaces will be reserved in the hotel car park to substitute for those during the student change over periods on the assumption that 15 of those spaces are only utilised to manage the student changeover demand. However the planning consent for the Zurich development requires the retention of those spaces to serve that development and it cannot be assumed that these are not required for that consented development outside of the changeover period. Even if they were reserving 5 spaces within the hotel parking provision for that use would reduce the hotel parking facilities and it is not clear where hotel guests would park during those periods. Any proposal should demonstrate how those lost spaces are reprovided and retained solely for the Zurich house development as part of the application.'

Given the finding in para 2.5.3 of the TS reported above it is clear that the quantum of parking to be provided on site for the hotel is not necessary with there being '..more than sufficient external parking capacity within walking distance of the application site to cater for the proposed hotel demand' and 5 of those spaces at the ground floor level should be permanently allocated to the student accommodation to replace those lost in the creation of the proposed access arrangements.

An outline Travel Plan is included in Appendix D to the TS, which sets out measures that will be promoted and identifies a preliminary interim modal share target. It is suggested that maximum modal share targets can only be established after an initial baseline survey has been undertaken although such modal share assumptions are made in the determination of the traffic generation likely to arise from the development. This level of traffic generation ie drivers 34.4% should be assumed as a maximum tolerance with specific further interventions identified and to be implemented in the event that this modal share is exceeded. The Travel Plan refers to a mechanism to make 5 parking spaces available to the adjoining student accommodation during change over periods although as discussed above this is not an acceptable approach and those spaces need to be retained for that use at all times.

In conclusion, no highway objection is raised to this application subject to the following conditions:

- That a revised detail of the loading bay to provide a tapered entrance and exit be submitted to and approved by the local planning authority prior to the commencement of development;
- That a revised plan be submitted to and approved by the local planning authority prior to the commencement of development indicating 5 parking spaces on the ground floor be permanently allocated to the adjoin student accommodation and the mechanism for control of access to those reflecting the requirement for the retention of those spaces within the planning consent issued for that development; and
- The submission of a revised Travel Plan for approval by the LPA prior to occupation of the development determining a maximum driver mode share of 34.4%, specific interventions to be implemented in the event that this mode share is exceeded and removal of the space sharing mechanism during student change over periods with the adjoining student accommodation.

A section 106 agreement will be required to secure funding of any TRO necessary in respect of the loading and a £5000 contribution to facilitate authority engagement with the travel planning process during the first 3 years of occupation.

REPRESENTATIONS

The Portsmouth Society object to this application, commenting "We are pleased to see that the applicant has significantly amended their design following pre-application discussions and have interpreted the curvature of Stanhope Road and Zurich House with a bold elliptical corner stack. As well as following the soft round edges of Zurich House the proposed main entrance stack has significant amounts of glazing. However the two long sides of the proposed hotel are unfortunately prison-like in their lack of fenestration. The ratio of wall to window is significantly over-stated. This results in facades which are disappointing from the outside and depressing for the occupants inside. The views over the park in particular could provide residents with a good and lasting impression of Portsmouth. Instead they are encouraged to be inward looking. Enlarging the windows would be a simple but very significant improvement resulting in a clean and airy design, attractive both to Portsmouth and for Travelodge and their customers. Also could some variation in colour be made to the cladding which appears rather bland and can it be confirmed that the materials used will not weather and fade in our maritime climate."

A total of four representations have also been received in support of the hotel and includes a very detailed letter written by 'Travelodge' who would be looking to take a 25-year lease on the development commenting on their business as low cost hotel operators, site selection, the regeneration opportunities, employment (10 full-time and 22 part-time staff that equates to 21 full time equivalent jobs), expenditure in the local economy (higher than full service hotels), approach to design, car parking provision and conclusions that amongst other things describes a hope to open in late 2018.

The other support comments include: hotel will provide affordable central town accommodation; significant short-term and moderate long-term employment opportunities; although not to everyone's liking the development is better than a hoarded site with risk to fly-tipping and vandalism; address an apparent over focus on Gunwharf; the design makes provision for on-site parking; and, regeneration is to be encouraged.

COMMENT

The main issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are the principle of a hotel, highways implications, impact on trees, design including the appropriateness for a tall building in this location and its impact on heritage assets, sustainable design and construction, and impact on residential amenity.

Principle of a hotel

A hotel is a 'town centre' use. Under 'Other town centre uses' policy PCS4 identifies a need for an additional 12 to 15 hotels in the city and defines the city centre as nine localities including 'Station Square and Station' where "Hotels will also be suitable in this locality in order to exploit its particularly high accessibility...".

The City Centre masterplan SPD includes the application site, as 'Site 4'. The masterplan identifies a key opportunity for the enhancement of the relationship between buildings on Stanhope Road and the eastern flank of Victoria Park. Buildings must address and overlook Victoria Park and create a strong interface with it. The SPD considers a need to separate this site from the neighbouring Zurich building (for servicing) and must respond to the landmark qualities of the Zurich building, given the site's prominent corner location and to make a positive contribution to the skyline of Portsmouth.

The proposed hotel would be separated from 'Catherine House'; there would be a gap of around 23m between them, to maintain servicing. The hotel includes an elliptical tower to make a feature of its prominent corner location. The design is examined further in this report although a shortcoming of the overall scheme would be a lack of an active ground floor that could have offered a potentially more positive contribution to the vitality and viability of this part of the city centre. Ground floor parking is proposed to be obscured and animated by 'glazed shopfronts' (forming a series of Travelodge signage panels) with timber louvred panels above/either side of the glazed screens and tensile fabric awnings over. The applicants comment that they did consider the desirability of an active ground floor but hold the view it would be to the detriment of achieving a viable and workable hotel business plan, discounting it in favour of maximising on-site guest parking.

Highways implications

The applicant has submitted a supporting Transport Statement. It considers the proximity and availability of public car parks; it rightly confirms (in para 2.5.3) that 'Overall despite proposals to include an on-site car park there is more than sufficient external parking capacity within walking distance of the application site to cater for the proposed hotel demand.' The TS also makes the following conclusions:

- The proposals would result in a net increase in flow up to 4% on Stanhope Road (this is not a material significant increase);
- 51 spaces proposed on-site is sufficient to accommodate the level of on-site demand envisaged;
- a review accident records confirms that there are no black spots on the immediate local highway whilst the level of increase of traffic flow would have no impact on highway safety;
- residual impacts of the proposed hotel are insignificant;
- a Travel Plan has been submitted to reduce the use of single occupancy cars and to help manage the proposed car park availability.

The applicants originally stated "The proposals take full account of the existing permission, currently being implemented, for the refurbishment, extension and change of use of Zurich House... [to a halls of residence] This includes the re-provision of five [sic] car parking spaces intended to serve the student use, within the Hotel Parking area, which would be made available for student/university occupation by agreement." The applicants have since confirmed agreement with 'Catherine House' to permanently re-provide the 5 displaced parking spaces on the hotel site; this can be secured by s106 agreement.

The views of the Highways Authority are set out in full in the Consultation section of the report and agree with the applicant's TS that despite on-site car parking there is more than sufficient external parking capacity within walking distance of the application site to cater for the proposed hotel demand. The Highways Authority does not, however, accept that 5 parking spaces displaced from the halls of residence site next door are simply given over for the period of move in/move out at the start and finish of the academic year.

If approved, the Highways Authority require revision to the details of the loading bay to provide a tapered entrance/exit be agreed and a section 106 agreement required to secure funding of any TRO necessary in respect of the loading and a £5000 contribution to facilitate authority engagement with the travel planning process during the first 3 years of occupation.

Impact on trees

Existing trees are located both within the site and immediately adjoining it, whose canopies extend across the boundary. The Arboricultural Impact Assessment identifies most of the trees as being of importance within either the Victoria Park landscape or at the junction of Stanhope Rd and Bishop Crispian Way:

- Hornbeam (B) - a moderate graded tree of reasonable form and condition - of importance in the Park landscape (Tree 1696)
- Bay Laurel (C) - a low graded tree of poor quality and small stature and low impact in the Park landscape (Tree 1697)
- Purple Plum (C) - a low graded tree of poor quality and small stature and low impact in the Park landscape (Tree 1698)
- Sycamore (B) - a moderate graded tree of reasonable form and condition - of importance in the Park landscape (Tree 1699)
- Red Chestnut (B) - a moderate graded tree of reasonable form and condition - of importance in the Park landscape (Tree 1701)
- Group 1 - London Planes & Ash (B/C) - a moderate graded grouping of young trees with merged crowns and whist they lack individual merit collectively they have a value in the landscape on the corner of Stanhope Road.

Trees within the site (Group 1) require removal to facilitate the hotel building. The loss of trees on the application site itself, outside of the listed park/conservation area, would be regrettable but somewhat inevitable if the opportunity and efficient use of the site for this or any other quality development is to be realised. It would, however, be appropriate to mitigate such loss by new tree planting proximate to the application site.

Trees within the site (Group 1) require removal to facilitate the hotel building. The loss of trees on the application site itself, outside of the listed park/conservation area, would be regrettable but somewhat inevitable if the opportunity and efficient use of the site for this or any other quality development is to be realised. It would, however, be appropriate to mitigate such loss by new tree planting proximate to the application site.

Construction of basement/ground floor level car parking includes a retaining structure up to the common boundary of Victoria Park. Existing ground level variations within the site reflect the old railway embankment on the western site boundary, which falls significantly. Trees outside of the site but along the boundary in Victoria Park will inevitably have spread their roots within the embankment. To provide two floors of parking for 51 cars, the embankment would need to be excavated and existing established trees close to the north-east corner entrance of Victoria Park would also be lost. The loss would be contrary to policy PCS13 requiring development is informed and influenced by the presence of trees.

A traditional brick wall, with recessed panels, is proposed to be built up to the boundary of the park for a length of over 40m. This would be in stark contrast and a discordant feature compared to existing railings (or other anti-climb fencing) softened by tree and other planting that characterises the perimeter of the park and this part of the conservation area.

The contribution of the trees to the park's setting has a bearing not only on its arboricultural but also on its heritage significance. The current 'softening' and boundary definition which the existing trees offer would be lost. The impact of the loss of trees and harm to the setting of the listed park/conservation area is explored further in the following section.

Design/tall buildings/impact on heritage assets

Policies PCS4 (Portsmouth city centre), PCS23 (design and conservation) and PCS24 (Tall buildings) seek well designed and respectful development of architectural excellence, to create a city centre that Portsmouth can be proud of and, in the case of tall buildings, designs that are positive and elegant, well-proportioned and neither bulky nor over dominant. Any proposed development of the application site must have regard to the setting of various listed buildings including the nearby Cathedral and former TA centre, the setting of 'The Guildhall and Victoria Park' Conservation Area and the setting of the (listed) Victoria Park. The proposed building of 12-storeys also requires tall buildings assessment.

Unfortunately, neither the details of the tall buildings assessment nor the heritage assessment were particularly well crafted; an updated Heritage Assessment has, however, been provided that now represents a more considered and credible appraisal.

At the early stages of design development an understanding of the higher architectural quality of building required for this gateway location and sensitive location to relate sympathetically with the listed park and other heritage assets as well as the neighbouring site was absent. The relationship to 'Catherine House' would be of significance but given the gateway position, so too is the street, junction elevations and the relationship to the Park. In response, the design of the scheme was reviewed, increasing the height of the building in relation to 'Catherine House' and introduction of an elliptical shaped tower to respect the curvature to the road and its gateway junction. The underwhelming entrance to the hotel was still weak and design solution still not considered to make the most of views over the park in terms of orientation and inclusion of bedrooms within the tower. The significance of retaining existing trees at the north-east entrance into Victoria Park and the lack of an active street frontage onto Stanhope Road effects achieving a suitable design quality.

The proposal was presented to the Design Review Panel at pre-application stage (see Consultations section of this report). Following pre-application advice and Design Review Panel comments the Design & Access Statement describes "a full analysis of the scheme has taken place and the proposal has been redesigned to address the issues raised. The scheme consists of an elliptical shaped glazed tower located on the corner of Stanhope Road Unicorn Road and Edinburgh Road being 12 stories high, with the main bedroom block to the south of the tower back towards Zurich House, being reduced in height by two storeys."

The tenth floor is dedicated to plant, with access to roof-mounted photovoltaic panels screened by a perimeter wall. A ladder access would be provided to the eleventh (top) floor roofspace. The structural design of building would be of reinforced concrete to the basement and ground floor with a steel frame to all of the upper floors and ribdeck concrete floors (where internal walls would be formed of non-loadbearing metal studwork). The elliptical tower would be clad in curtain walling with faceted glass panels of varying widths and tints. The elevations would comprise of a combination of stone composite cladding and aluminium panels with staggered windows. The main entrance would provide lobby/lift access to the first floor reception that is now designed as a two-storey height of curtain walling with sliding glazed entrance doors and glazing at first floor from the lounge seating. The stone composite cladding would continue through into the entrance lobby. Aluminium clad columns are proposed to rise two-storeys. In terms of its siting, the elliptical tower would be located within approximately 2m of the Park boundary (at its very north-eastern point) whilst the main body of the building would be set back up to 14m from the Park boundary, broadly aligning with the ex-Zurich building. The footprint of the hotel would then 'curve in' towards the Park boundary (to a minimum distance of circa 3m).

The site is located in an 'area of opportunity' for tall buildings. The supporting Tall Buildings Statement includes 3D visuals of its immediate context but only superficially assesses the wider urban context or its impact on local views or vistas by inclusion of an image from Portsmouth and Southsea railway station. It does not deal well with the relationship of the hotel to the north-east entrance of the park. In terms of its height, at 48.6m AOD (to fascia level of the elliptical tower) this would compare with 56.2m height of 'Catherine House' (next door, to the south-east), which is clearly a tall building in close proximity. It would be considered to reinforce the "cluster" of tall buildings that already exists with other buildings framing Victoria Park (the Guildhall, Civic Offices, Cathedral and UoP Park Building) and nearby at No8 Surrey Street (170m to the south-east, under construction). This cluster characteristic is recognised in the Tall Buildings SPD as one of the reasons for encouraging tall buildings in the city centre. A pre-requisite for any tall building is that the design must be excellent and in the case of this particular site the setting of heritage assets (listed buildings, conservation area and listed Park) should be appropriate.

Concern has been expressed from the Panel and the Portsmouth Society that the design falls short of being good enough for this prominent and sensitive city centre site and both question its

relationship to the Park. This is considered to be a pivotal issue. In general, the contemporary hotel building is considered well enough designed and the (faceted) elliptical tower, with double-height entrance, an adequate feature to mark the prominent corner junction notwithstanding the absence of an active ground floor. However, the proposal fails to be informed and influenced by the presence of trees and their unacceptable loss results in a poor relationship to and resulting harm on the setting of the (listed) Park/conservation area.

Particular obligations fall upon the council in determining any application which affects a listed building or its setting or within/setting of a conservation area. The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 66 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, at section 72 it is required that Local Planning Authorities pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

The NPPF (paragraph 132) also states that when considering the impact of a proposed development on the significance of a designated heritage asset (listed building(s), conservation area and listed Park), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting; and (paragraph 133) where the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefit that outweigh that harm or loss; or (paragraph 134) where the proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The applicant's (updated) heritage assessment considers that the value of Victoria Park or any of the other heritage assets would not suffer material harm commenting "The quality of the design of the proposed development may be valued now and in the future and the long-term consequences have been demonstrated to be benign." Furthermore, it states: "It is recognised in local planning policy, that the application site is a suitable location for a tall building. The innovative and attractive design of the proposed development would ensure a suitable termination to the northern end of the former Zurich site that would not harm the significance of the heritage assets that are the nearby listed buildings (both statutory and locally). In terms of the impact on Victoria Park and the wider conservation area, it is considered the development as proposed, taken as a whole, would at least preserve and, arguably, enhance the character and appearance. The proposed boundary treatment to the park is, of course, of importance and therefore the detailed design of the proposed wall could be the subject of an appropriate planning condition in order to ensure a sympathetic context with the park. Clearly in time the proposed planting would ensure this wall would merge into the greenery and create a suitably sympathetic boundary treatment. In respect of the tree removal and replacement it is not considered that this would cause long-term harm, whether that be substantial or less than substantial, to the significance of the heritage assets that are the conservation area and historic park. However, if the view is taken that the harm caused would be less than substantial, there are certainly public benefits (Paragraph 134 of the NPPF) that would result from the proposed development. These public benefits are set out in the already submitted planning and heritage statement."

The construction of a basement/ground floor level car park up to the common boundary of the Park would result in the loss of existing trees in close proximity to its north-east entrance.

New development should be informed and influenced by the presence of trees and should protect and enhance the city's natural and cultural heritage. 'Victoria Park' is a very important green infrastructure asset and heritage asset; it is also a component part of 'Guildhall & Victoria Park' Conservation Area (No18).

The significance and impact (harm) to 'Victoria Park' - Grade II listed - through the loss of trees is a fundamental issue. Despite an aim to respect fully the heritage importance and characteristics of Victoria Park the applicant's initial heritage assessment that concluded the impact to the park by the loss of trees would be mitigated and through replacement tree planting elsewhere in the park would enhance its landscape quality was not considered credible and could not be accepted. The existing trees near the north-east park entrance contribute positively to the park's character and amenity. They possess value as existing and familiar elements of the parkscape and their presence contributes to the significance of both the park and conservation area. If the proposed development was permitted and the trees felled, the character of this part of the park would be fundamentally altered. The erection of a solid brick wall would clearly contrast this section of the boundary treatment with the rest of the park, be more visually prominent and 'harden' the park boundary near the north-east entrance, harmful to the significance of the asset.

The height, massing and overall scale of the proposed hotel would give it a major presence and impact within the setting of the park/conservation area. Retention of the existing trees would contribute to softening of the development from within the park and the loss of existing trees represents a less respectful and unsympathetic erosion of its setting and introduction of a hard urban edge.

The significance and impact of the loss of the existing trees within the park and conservation area are considered to be very high. The most appropriate design solution requires the existing terracing supporting the root protection area of the existing trees to be avoided, to enable their retention. There will be implications for the layout and number of basement parking spaces; the degree to which 'ground level' could project over but not affect the existing terracing remains unclear.

The applicant has provided an updated heritage assessment. This has been considered and the range of assets now appropriate and proportionate to the scheme. Where the applicant has made a judgment on an asset's significance (and/or contribution of setting to that significance) it has, however, tended to downplay its importance. Officers have made an assessment of the assets which 'grades' their significance according to a hierarchy, identifying nearly all of the assets as of high importance. A similar assessment has also been undertaken on the impact (harm) of the proposal on the setting of each asset.

When considered in overview the findings are that the proposal would cause harm (of varying degrees) to the setting of all of the assessed assets. The impact of the scheme would be greatest on the grade II registered Victoria Park. Despite the appreciable individual and cumulative levels of harm that have been attributed to the scheme (none of which have been identified as substantial in their own right) and in a city centre location appropriate for a tall building make an, on balance, opinion of 'less than substantial' harm for the scheme overall.

As already identified, para 134 of the NPPF states "Where the proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use." The applicant's describe the public benefits as follows:

- The application site is a genuine brown field opportunity to regenerate a city centre site asset that has been boarded up for many years;
- The development site serves as a continuation of the regeneration of Stanhope Road kick-started by the change of use of Zurich House (now 'Catherine House');
- The hotel use would draw people through an area of the city centre that now suffers from a number of vacant commercial properties, and would therefore enhance the opportunity for shops premises to become more marketable.
- The hotel use would create a significant number of jobs;

- The hotel would provide for a significant number of bed spaces the need for which has been identified both locally and sub-regionally in the greater Portsmouth / south Hampshire area;
- Whilst the scheme would have an impact on existing trees adjoining the site within Victoria Park; the scheme provides for a direct contribution towards further enhancement of the listed public space and its associated landscaping;
- The proposed design would result in a landmark building feature that would provide further townscape definition to Unicorn Road, Stanhope Road and Edinburgh Road, within the heart of the City Centre;
- A key market for the hotel comprises of visitors to the city linked to Portsmouth University events and student change over periods. There is a direct relationship between the hotel and 'Catherine House' in this regard, and would serve to enhance further education facilities offered by the city; and,
- The scheme would be delivered quickly with a genuine design-based and economic benefit being achieved within 18 months from permission being granted. This would represent an important investment injection to the local economy.

The less than substantial harm to the setting of the Park is not considered to be outweighed by public benefits of the hotel proposal that would be acceptable with fewer parking spaces (or even car-free in an area of particularly high accessibility) avoiding new construction within the terraced embankment that supports the root structure of existing trees in the north-east corner of the Park.

The applicants suggest the planting of replacement trees (in close proximity to those lost through the construction of the basement/ground floor level car park) would act, in time, to mitigate the harm. Regrettably this could not be the case since there is an easement (for electricity undertakings) under a swathe between a sub-station building and the north-east Park entrance that would make the suggested replacement planting impractical. The alien appearance to this part of the listed Park, by the loss of the trees along the common boundary, could not be mitigated by new tree planting in close proximity.

Impact on residential amenity

The nearest dwellings are located 20m from the application site on the upper floors of No13 Edinburgh Road; their outlook onto a parking area and park beyond to a hotel will markedly change but the proposal is not considered to give rise to any significant impact on the amenities of the occupiers of the nearest residential properties.

Sustainable design and construction

Policy PCS15 requires new development (non-domestic) of more than 500sqm to contribute to addressing climate change in Portsmouth by achieving (a) at least BREEAM 'Excellent' and (b) to use Low or Zero Carbon (LZC) energy technologies to reduce the total carbon emissions by 10%, as part of the selection of measures to meet the overall BREEAM level. The Sustainable Design & Construction SPD encourages BREEAM pre-assessment. The applicant's Design & Access Statement recognises the policy requirements and although no pre-assessment has been produced in support of the application the following information provides some indication of how BREEAM 'Excellent' with 10% LZC energy technologies would be intended.

"The proposed development has been designed to minimise operational carbon emissions. Savings are delivered through Energy efficiency and sustainable measures and secondly through the incorporation of energy efficient technology.

- Use of prefabricated bathroom pods
- Minimum water storage
- Improve U-values of the external envelope
- Improve air tightness
- Use of low energy compact fluorescent light fittings

- Use of high frequency lighting controls
- Microwave detector control of corridor lighting and PIR control for back of house lighting
- Fitting spray taps with flow restriction
- Aerated shower heads
- Installation of dual flush toilets

The hotel rooms and public areas have air conditioning which incorporate an air source heat pump within each condensers which will achieve an energy saving of 26% due to Low and Zero Carbon Technologies (LZCT). Solar panels are proposed to be located on the roof."

Planning conditions would be necessary requiring pre-construction assessment and post-construction certification, to demonstrate BREEAM 'excellent' including 10% LZC technologies from the selection criteria to comply with policy PCS15.

Conclusions

The use of the site for a hotel is appropriate to the city centre location. The proposal raises no significant highway impact, subject to planning obligations identified by the Highways Authority. The height, massing and scale of the proposal in a prominent gateway position into the city centre would give it a major presence and the 10/12-storey building is considered well enough designed to make a townscape contribution to Stanhope Road. The design solution would impact on Such a large building would have a very significant impact on heritage assets including the listed park/conservation area (to the west) and the significance and impact of the loss of the existing trees are considered to be very high. Replacement tree planting near the trees lost would be impractical and a 42m length of boundary wall in stark contrast to its surroundings at the north-east entrance of the park. Public benefits are not considered to outweigh the 'less than substantial' harm on heritage assets, contrary to national and local planning policy.

RECOMMENDATION Refuse

The reason for the refusal is:

1) The proposed development of a hotel with associated construction of basement/boundary wall onto the common (west) boundary fails to be informed and influenced by the presence of existing trees and their replacement by panelled brick wall immediately adjacent the north-east corner entrance of Victoria Park in stark contrast to its existing surroundings. The proposal would result in significant harm to the setting of an array of heritage assets, which collectively make a major contribution to the cultural heritage of the city including very significant (but 'less than substantial') harm to the grade II listed Victoria Park and 'The Guildhall and Victoria Park' Conservation Area. This harm is considered neither capable of being mitigated by replacement tree planting proximate to the trees lost nor sufficiently outweighed by public benefits of the scheme. The proposal would thereby be contrary to policy policies PCS4, PCS13 and PCS23 of the Portsmouth Plan and to the aims and objectives of City Centre masterplan SPD and the NPPF.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework it was not considered that the harm arising from the proposal could be overcome and the application has been refused for the reasons outlined above.

CATHERINE BOOTH HOUSE AND LAND TO REAR 1 AYLWARD STREET PORTSMOUTH PO1 3PH**CONSTRUCTION OF PART 6-/PART 5-/PART 3 STOREY BUILDING TO FORM STUDENT HALLS OF RESIDENCE (CLASS C1) COMPRISING 20 STUDY BEDROOMS, CARETAKERS FLAT AND ASSOCIATED FACILITIES; RECONFIGURATION OF REAR OF CATHERINE BOOTH HOUSE TO INCORPORATE NEW ENTRANCE AND ASSOCIATED MANAGEMENT OFFICES****Application Submitted By:**

PDP Architecture LLP
FAO Mr Elliott Vials

On behalf of:

SSA Properties Ltd
FAO Mr Ranveer Singh

RDD: 15th March 2017

LDD: 28th June 2017

SUMMARY OF MAIN ISSUES

The main issues for consideration are the principle of a student halls of residence in this location, design including impact on heritage assets, highways implications, impact on the residential amenity of future and nearby occupiers, standard of accommodation for future occupiers, sustainable design and construction, impact on the Solent Special Protection Areas and whether the proposal would contribute to the achievement of sustainable development in accordance with national and local planning policy.

The Site

This application relates to an open piece of land located to the rear of Catherine Booth House which is situated to the corner of Aylward Street and Queen Street. The application site incorporates a former playground, a series of single-storey extensions, a service area and refuse stores associated with Catherine Booth House. The applicant has indicated that the play area has not been used for a considerable period of time as children no longer reside within the hostel. As a result this space has not been maintained and has now fallen into a poor state of repair.

To the east the site is bounded by the John Pounds Medical Centre, to the south by a car park associated with the large John Pounds Centre development and to the west by Aylward Street. Residential developments in the form of blocks of flats are located to the western side of Aylward Street and to the north fronting Queen Street.

The site is located within the 'Portsea' locality of the City Centre as defined by policy PCS4 of the Portsmouth Plan and within the 'Portsea' Conservation Area. Whilst making a considerable contribution to the character and appearance of the conservation area, Catherine House is neither statutory nor locally listed.

Proposal

Planning permission is sought for the construction of part 3-/part 5-/part 6-storey building to form Student Halls of Residence (Class C1) comprising 20 study bedrooms and caretakers flat with

associated facilities; reconfiguration of rear of Catherine Booth House to incorporate new entrance and associated management offices

Relevant Planning History

Planning permission was granted in 2013 (ref.13/00890/FUL) for the change of use of the ground floor offices (Class B1) within Catherine Booth House to form 12 managed hostel rooms and external alterations involving alterations to the existing ground floor fenestration. The upper floors of the Catherine Booth House are also in use as hostel accommodation.

POLICY CONTEXT

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS4 (Portsmouth city centre), PCS11 (Employment Land), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS17 (Transport), PCS23 (Design and Conservation) and PCS24 (Tall buildings). Saved policy DC21 (Contaminated land) of the Portsmouth City Local Plan would also be relevant.

Supplementary Planning Documents in respect of the City Centre Masterplan, Tall Buildings, Parking Standards and Transport Assessments, Student Halls of Residence, Sustainable Design & Construction, Reducing Crime through Design and Solent Special Protection Areas would also be relevant to this application.

CONSULTATIONS

Private Sector Housing

PSH has no adverse comments to make with regard to the amended drawings as all studios are 25sq.m. with additional communal areas.

The only comment would be that the developer will need to install domestic fire suppression systems to any kitchens that are located by the exit door to the unit.

Environmental Health

The Environmental Health Team (EHT) do not envisage any potential impacts upon future residents in terms of noise or air quality either from the road or neighbouring uses.

Regarding the impact of the proposed development upon existing residents EHT can advise that it is starting to experience some potential conflict of use between students residing in the two student's hostels located within Kent Street and local residents due to noise complaints as a result of some inconsiderate behaviour, but this appears to be limited to a couple of individuals. Therefore the EHT still currently feel such matters are probably best dealt with using statutory nuisance or anti-social behaviour legislation as there were far more complaints in this locality during 2016 about non student households.

Therefore there are no objections to the proposed development.

Highways Engineer

Updated Highways Comments - 7/7/17

Following discussions it is understood that the reference in the Design and Access Statement is badly worded. The reference to students staying for three years is merely reference to the length of their course and should be not read as reference to them staying permanently throughout the year. Subject to the S.106 including provision:

- To secure the accommodation of each study studio and the caretaker flat for an individual University of Portsmouth student (or those on an equivalent full-time course)

during their period of study, and not to use the halls of residence for any purpose during academic term times other than as residential accommodation for a student during their period of study; and

- Not to use the halls of residence for any purpose other than as temporary residential accommodation for periods not exceeding two months in the case of any individual resident occupying the halls of residence' such that tenancy agreements could not extend beyond a year.

The Highways Authority (HA) would be content to withdraw its recommendation of refusal on the basis of the tenancy expectation period.

The HA is also content that the Student Intake Management Plan be secured as a part of the travel plan to be submitted to and approved by the LPA prior to occupation of the development and would not require that this element be agreed before the determination of the application.

The HA further understand that any prospective use of the site outside of the academic term would be limited to short periods not exceeding two months and would be likely to provide accommodation for language students or to increase the capacity of the hostel outside of term times. Given the city centre location of the site and accessibility to sustainable transport links the HA would not wish to raise an objection to such use from a highways perspective.

If the LPA are minded to recommend approval of the application the HA would suggest the following conditions/planning obligations:

The development shall not be occupied until such time that a plan has been submitted to and approved by the LPA to secure the implementation of controls on scheduling of arrivals at the beginning of the academic terms to a maximum of 1 per hour and detailing a management mechanism to ensure that these are effective.

A contribution will be required to allow the auditing of the plan during the first 5 years of the development

- The development shall not be occupied until 20 secure cycle parking spaces have been provided on site in accordance with the SPD.
- The development shall not be used for other than student accommodation.

Initial Highways Comments

Aylward Street is a narrow cobbled access road with pedestrian footways on either side and parking restricted on both sides of the road by double yellow lines excepting a short section of echelon parking in a layby at the northern end of the road. Aylward Street falls with resident parking zone JA with parking limited to 1 hour for non-permit holders. The demand for parking on street in this area exceeds the space available and it is important that development in this locale does not increase the existing shortfall in parking provision.

Design & Access Statement: The design and access statement reasonably sets the site in context and includes sections dealing with Access & Transport and a Student Management Plan.

Paragraph 16.1 explains the intention to give students the option of residing in the halls for longer than one year and no reference is made to the use of the development outside of term time so it seems that the residents will have extended periods of tenancy. As a consequence this scheme does not meet the occupation constraints required for a hall of residence rather the development should be assessed as a block of individual flats.

The HA is satisfied that it is positioned in a very accessible location with good links to both the rail station and bus interchange and is in such proximity to the university facilities such that it could reasonably operate as a car free development on a day to day basis. The site is located within the defined city centre where a lower parking provision will be expected. Paragraph 15.5

explains an assumption that there will be no need for student parking although paragraph 16.4 explains that car owners will be limited with long term parking available on Queen Street and car parks near the Historic Dockyard. These the paragraphs appear contradictory and no specific intention to prevent residents bringing private cars to the city through tenancy controls are suggested. Such car ownership is increasing likely with longer tenancy periods as are implicit in paragraph 16.1.

The development includes accommodation for a full time building manager whose flat would certainly justify the provision of a car parking space although no such provision is included in the application.

The development provides for 20 cycle parking spaces reflecting the parking standard for the study bedrooms which is consistent with the requirement for 1 bed flats, although no such cycle parking provision is made in relation to the flat for the building manager.

The critical issue from a highway perspective is the management arrangement to be adopted for the arrivals and departures of tenants at the beginning and end of each academic year when there is likely to be a significant demand for access by car over a relatively short period. Paragraph 16.3 explains that the building manager will 'have the responsibility of managing new arrivals and departures to ensure a smooth transition between set time slots'. This seems sensible although the text is insufficiently explicit in respect of the management arrangements and a detailed plan for the management of arrivals will be required.

There are very limited parking opportunities in close proximity suitable to cater for the unloading /loading demands at these times although there may be scope to suspend one of the on-street parking bays at the beginning and end of each term to facilitate this activity.

The approach for other similar development types with the city centre has been to identify an area which parking can be made available (either on street through the suspension of parking spaces or in a proximate public or private car park) with tenant arrivals being strictly managed through the allocation of minimum 1 hr arrival slots over an extended period reflecting the number of spaces available. This would allow arrivals to be managed over a period of 20 hours spread over two or three days and would mitigate the scope for congestion to arise on the network.

In this case it is important that this issue is resolved with the management arrangements for tenant arrivals established through a plan secured via S106 agreement together with an auditing fee to provide for the council auditing of the management arrangements over a 5 year period.

Recommendation: As this application stands the HA must recommend refusal as:

- The tenancy expectation in excess of a year does not meet the criteria for the development to be assessed as a hall of residence;
- The proposal does not provide for a sufficiently detailed management strategy to mitigate the impact of tenant arrivals and departures at the beginning and end of the academic year sufficient to ensure that disruption on the highway network will be limited to an acceptable degree;
- No details or controls on the use of the facility outside of term time are proposed.

Natural England

Comments not received at the time of writing.

Ecology

Final comments not received at the time of writing.

Waste Management Service

Formal comments not received.

Archaeology Advisor

This site was located on the periphery of 18th century Portsmouth in an area thought to have been occupied by small scale gravel extraction. Evidence for gravel working was recorded by an archaeological evaluation that was carried out by CKC Archaeology at Catherine Booth House in the early 2000s, along with some traces of 19th century housing. It appears that the area has been extensively impacted by 19th and 20th century development, while pre-urban deposits have been impacted by the gravel extraction. I would therefore advise that it would be unlikely for ground works associated with the proposed development to expose any interpretable archaeological features and so I would not wish to raise any archaeological issues in this instance.

Coastal and Drainage

There is a clear increase in impermeable area caused by the proposed development, therefore an increase in storm water run-off. There should therefore be a drainage strategy to mimic the current run-off rates, as it is presently partly greenfield.

Contaminated Land Team

This site has been investigated as part of works for the John Pounds Centre. The existing reports and historical records should be reviewed in the desk study and a conceptual model created so that any further works can be identified. Conditions in respect of land contamination are requested.

REPRESENTATIONS

Four letters of representation have been received from local residents and on behalf of the John Pounds Centre, The John Pounds Medical Centre, PCC Portsea Youth Club, Portsea Action Group, The John Pounds Community Trust and PCC Portsea Venture Playground. Their objections can be summarised as follows: a) Loss of Light and overshadowing of the adjoining John Pounds Centre and residential properties; b) Loss of open space; c) Loss of privacy and overlooking; d) Increased noise and disturbance; e) Reduced visibility of the John Pounds Centre; f) Impact on the Highway network; g) Site is located outside of student area; h) No requirement for more Student Halls of Residences; and h) Disruption and safety risks during construction.

COMMENT

The main issues for consideration are:

1. The principle of a Student Halls of Residence in this location;
2. Design including impact on heritage assets;
3. Standard of accommodation for future occupiers;
4. Impact on the residential amenity nearby occupiers;
5. Highways implications;
6. Sustainable design and construction;
7. Impact on the Solent Special Protection Areas;
8. Other matters raised within representations.

Planning permission is sought for the construction of a part-3/part-5/part 6-storey building to form a Student Halls of Residence (Class C1) comprising 20 study bedrooms and a caretaker flat. The proposal would also include alterations to the rear of Catherine Booth House resulting in the loss of two hostel rooms and a caretaker flat within single-storey rear projections. A new entrance lobby would provide improved access to Catherine Booth House and the new Student Halls.

1. Principle of the proposed use

The application site is located within the 'Portsea' locality of the City Centre as defined by Policy PCS4 of the Portsmouth Plan. The policy as a whole encourages development that will transform the city centre into the economic, social and cultural focus of south-east Hampshire by providing a wide range of uses (such as retail, employment, and cultural facilities) that add to the vitality and vibrancy of the city and supports economic growth. In addition, the policy states that given the high level of accessibility by public transport, the city centre is ideally suited to provide a substantial number of new homes. In respect of this particular 'locality' (Portsea) the policy identifies that: 'The area's residential role will be preserved, as it is important that the main retail destinations of the city centre are maintained as separate, yet linked, destinations. Small scale town centre uses, particularly convenience shopping to serve the community, will be encouraged along Queen Street. This will help to create an active pedestrian link from the western areas of the city centre to the eastern areas as well as serving the day to day needs of those who live in Portsea'.

The Students Halls of Residence SPD (October 2014) identifies the need to provide a good standard of student halls in the city with a preferred location in close proximity to existing University facilities and other educational establishments. The SPD identifies a number of opportunity sites within the city centre although it is noted that the application site is not included within this list. It is also acknowledged that significant numbers of student bedrooms have recently been provided, are under construction or are at the planning stage (Greetham Street - 836 study bedrooms, Earlsdon Street - 35, Guildhall Walk - 25, The Registry - 41, Zurich House - 999, Europa House - 262, Middle Street - 124, The Trafalgar - 83, Lake Road 30, Isambard Brunel Road - 484, Surrey Street - 576, Stanhope House - 256, Middle Street - 66) within large student hall developments in and around the city centre. However, at present there is no obligation on a developer to identify a need for further student accommodation which ultimately will be determined by the market rather than through the planning system.

Whilst not located within one of the development sites identified within the Student Halls of Residence SPD, the proposed development is considered to be compatible with its city centre location within close proximity of the main University of Portsmouth campus, less than 100m from the nearest teaching blocks (Portland and Richmond Buildings) where journeys by foot or bicycle would be achievable. The provision of purpose-built student accommodation would also contribute towards the delivery of new homes within the city, potentially freeing-up capacity within more traditional housing stock. Therefore, it is considered that the principle of a Student Halls of Residence in this location would be acceptable.

However, whilst the principle is considered to be acceptable, there will be certain standards and other policy requirements for new dwellings that would need to be put aside for specialist accommodation of this nature. This would include requirements in respect of space standards, the provision of affordable housing and parking. In order to waive these requirements the Council needs to be satisfied that the proposed halls of residence conforms with the norms set out in the Codes for accommodation provided either by Universities or in accordance with appendix 1 of the SPD, and will be restricted to use solely or principally for students on a recognised full-time course of study. To achieve the appropriate restrictions the applicant will be required to enter into a Section 106 agreement which would include planning obligations restricting the halls of residence for occupation solely or principally by students on a recognised full-time course of study and to ensure the property does not become permanent (general needs) dwellings.

In light of the above, it is considered that the principle of redeveloping the site for purpose-built residential accommodation in the form of a Student Halls of Residence would be acceptable when considered against the aims and objectives of the National Planning Policy Framework (NPPF) (in particular paragraph 14 and chapters 1-4) and all the relevant local planning policies

and supporting documents, subject to securing planning obligations through a Section 106 agreement.

2. Design including impact on heritage assets

Policies PCS23 and PCS24 echo the principles of good design set out within the NPPF requiring all new development to be well designed, seeking excellent architectural quality; public and private spaces that are clearly defined, as well as being safe, vibrant and attractive; relate to the geography and history of Portsmouth; is of an appropriate scale, density, layout, appearance and materials in relation to the particular context; provides protection of important views and provides active street frontages in town centre locations. PCS4 states: "The buildings in the city centre will be the architecture that defines the city and should be of exceptional quality."

The Tall Buildings SPD (March 2009) identifies a series of nine distinct 'areas of opportunity' which are intended to identify those locations within the city where the siting of tall buildings may be appropriate having regard to: proximity and ease of access to public transport; proximity to local commercial/shopping centres; the presence of existing tall buildings within the area; and, the suitability of their character and other townscape factors. Whilst situated within the City Centre, the application site is not located within one of the 'areas of opportunity' as set out within the SPD. In this respect the SPD states: 'There is a presumption against tall buildings outside of the areas of opportunity unless the particular merits of a proposal outweigh this general presumption. Those parts of the city that have not been identified as appropriate for tall buildings have been excluded for a number of reasons including the presence of low rise housing, conservation areas, open space and for other townscape reasons that are explored in the accompanying urban characterisation of the city'.

The applicant recognises the requirements of the Tall Buildings SPD and has provided a Tall Building Statement (TBS) and a series of accurate visual representations of the proposed building to demonstrate how it would relate to its context. The TBS states that "the proposed massing of the building would be focused on a 6-storey structure on the Ayward Street frontage, with the sixth floor stepped back. The building has been stepped down and back at 5-storeys on the southern and eastern elevations and then stepped down to 3-storeys on the east and north elevations. As the building steps down it relates back to the architecture of that surrounds the site and creates a range of different views towards the proposed building.

Although located outside of an 'area of opportunity' for tall buildings, it should be noted that the proposed building, measuring 17m at its highest point, sits below the height of Catherine Booth House (21m) and is only regarded as a tall building by definition as set out within the Tall Building SPD as a result of the proposed number of floors (six) rather than its height which is below the 20m threshold. The proposed building would effectively form a stepped effect along Aylward Street from Catherine Booth House to the Offices at the John Pounds Centre to the south which measures approximately 12m in height.

The proposed building has a relatively simple design incorporating a limited palette of high quality materials including two types of brick, zinc cladding and powder coated aluminium fenestration. Whilst simple in form, it is considered that articulation provided by steps in the building line, the orientation of building materials, the texture within the brickwork provided by ribbed bonding patterns and the inclusion of large windows to the south and west elevations adds interest to the building's facades helping to reduce its overall bulk and improving its integration with Catherine Booth House.

The building does not exhibit the same architectural qualities to the north and east elevations as the developer seeks to avoid overlooking of neighbouring properties. However, a stepped building line, the use of high quality materials and the inclusion of larger windows to service areas of the building still provides visual interest of a quality that exceeds much of the building stock within the surrounding area.

Whilst introducing significant bulk to the site, regard is made to the significant visual improvements the development would provide to the rear of Catherine Booth House and the Aylward Street frontage following the removal of a series of rear projections a small rather disjointed area of open space, which does not appear to be well used and has fallen into a state of disrepair. Whilst improvements could be made to this external space, it is considered that as a result of its size, open nature, position against a road and car park and its separation from Catherine Booth House across a driveway, the long term successful use of this area is challenging and other than providing a break in the building line, is likely detract from the street scene if not maintained fully.

At present, despite incorporating a large frontage at ground floor level, Catherine Booth House is accessed through a single entrance to the rear of the building via a service yard. The proposal would result in the creation of a new shared lobby serving separate entrances to Catherine Booth House and the Student Halls, removing views of and access through service area significantly improving access arrangement for existing occupiers.

Overall, it is considered that the proposed building has been designed to a high standard and would make a positive contribution to the street scene. Whilst positioned close to and connected at ground floor level, the building would remain subservient to Catherine Booth relating appropriately as an extension when viewed from the north and south. However, it is also considered that the building works well as a standalone piece of architecture within closer views on Aylward Street and from within the John Pounds development to the east.

In terms of building height, it is accepted that the building would be significantly taller than the medical centre (2-storey) located immediately to the east. However, it is noted that the medical centre is located within the middle of a larger development comprising taller structure on all other sides. As a result it is considered that the proposed building would not appear overly obtrusive in relation to the medical centre and would continue the pattern of development that has been established through Catherine Booth House, Pounds Gate and the John Pounds Centre, and would form an appropriate stepped appearance within the street scene

Having regard to the design merits of the proposal, it is considered that its appearance and relationship with adjoining development is of a sufficiently high standard to overcome the presumption against tall buildings outside of areas of opportunity as set out within the Tall Buildings SPD. This assessment is however, based on the quality of the proposal as presented which places significant weight on the quality of materials and the architectural detailing (material alignment and bonding) that adds visual interest and helps define and break up sections of the building's facades.

When determining planning applications the Local Planning Authority (LPA) must also consider what impact the proposal would have on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, Section 72 of the Act requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

The application site is located within the 'Portsea' Conservation Area which incorporates much of the building frontage onto the southern side of Queen Street in addition to Curzon Howe Road to the west and the John Pounds development (including Pounds Gate) and Jacob House to the east and south respectively. The Conservation Area guidelines highlights that the 'character and appearance of the southern side of Queen Street is fairly inconsistent, with an array of historic buildings of varying standards interspersed with post-war development. The impact of Queen Street's pre-war buildings is greatly diminished by the predominance of post-war development spanning the entire north side of the street. As a result, the prevailing character of the street environment as a whole is postwar, rather than a historic one'. In describing the southern side of Queen Street it notes that: '...The next notable building on the street is Catharine Booth House,

on the corner of Aylward Street, on which its façade is actually superior to its Queen Street elevation. This six-storey Victorian building, which is neither listed nor even on the local list, dates from the early 20th Century and houses the Salvation Army. The building overlooks an attractive 'pocket park' facing Queen Street... Trees and greenery may not be an immediately obvious defining characteristic of this conservation area, but at two particular locations they are a key determinant of townscape quality. The first is the attractive 'pocket park' between Aylward Street and Bishop Street, which provides an attractive setting for Catherine Booth House'. The nearest statutory listed buildings to the application site are located opposite the pocket park fronting Bishop Street including Tregolds Warehouse and Mitre Court House both of which are Grade II Listed.

Overall it is considered that the significance of the conservation area as a whole is derived from the number and range of historic buildings and the elements of historic townscape which survive. Although mixed in terms of quality and survival, it is an area in which some of the city's earliest townscape can still be seen and appreciated. In this particular locality the significance of the conservation area is derived from the presence of Catherine Booth House (non-designated heritage asset) and its setting against the pocket park. It is also noted that much of the historic street layout is maintained in this area including the cobbled section of Aylward Street. It is however, noted that this particular area is characterised by post-war development of limited quality to the west and an early 21st Century development of the John Pounds Centre and Jacob House to the east and south, which incorporate a range of building styles and materials.

Whilst resulting in the loss of a break in the building line, the development would effectively complete a perimeter block type of development around Queen Street, Aylward Street, St James's Street and Kent Street maintaining the historic street and development pattern of the area. The relationship between Catherine Booth House and the pocket Park would be retained in views from Queen Street, and the presence of the park and intervening development maintains a visual break between the application site and the listed buildings on Bishop Street.

Although resulting in an obvious change to the appearance of the conservation area, as a result of the design assessment above in respect of the buildings relationship with the adjoining structures, including Catherine Booth House, it is considered that the proposal would preserve the overall character and appearance of the 'Portsea' Conservation Area and the setting of designated and non-designated heritage assets within this particular locality.

Therefore, as the proposal is seen to preserve the character and appearance of the Conservation Area and the setting of nearby heritage assets, the requirements of paragraphs 132-134 of the NPPF, which seeks to address the significance of any harm caused by development, would not be applicable in this instance.

3. Standard of accommodation

Internally the proposed study studios would all incorporate en-suite bathrooms, small individual kitchens and combined living/sleeping areas each with an internal floorspace of at least 25 sq.m. Each of floors 1-4 would also incorporate communal spaces for students to socialise outside of their own units. The ground floor of the building would incorporate a laundry in addition to refuse and bicycle storage facilities.

Overall it is considered that the development would provide a good standard of internal living conditions for future occupiers. The City Council' Private Sector Housing Team raise no concerns over the quality of the accommodation but highlight that the developer would need to install a domestic fire suppression systems to any kitchens that are located close to the exit of each unit. This is achievable, however, as this matter would be enforced by the building control and housing (under the Housing Act through PSHT) regimes, it is not considered necessary or reasonable to also enforce these requirements through planning condition.

4. Impact on amenity

In terms of amenity, potential impacts of the development arise from the physical presence of the structure itself and from its operation as a Student Halls of Residence.

In terms of impact from its physical presence, it is noted that the proposal would result in almost 100% site coverage and would be located within close proximity of neighbouring developments which comprise a mix of commercial and residential uses. The southern elevation of Catherine Booth House contains no windows serving habitable rooms. However, the neighbouring property to the east (No.31), which has been sub-divided into flats, incorporates two windows within its southern elevation serving living/dining rooms. Further to the east residential windows are situated within the southern elevation of the Pounds Gate development although these are set further back from No.31. The building would also be positioned in close proximity to an area of external amenity space/paly area associated with the John Pounds development and a rear courtyard of the John Pounds Medical Centre.

In respect of No.31 Queen Street, the ground floor unit currently looks out onto a small enclosed courtyard formed by boundaries with the application site and the John Pounds Centre. At first floor level, the southern window benefits from an improved outlook across the application site towards the John Pounds Centre. At a distance of 11.6 metres between rear windows at No.31 and the 3-storey element of the proposed building, with a taller 6-storey element beyond and to the south, it is accepted that the proposal would have a significant impact on light and outlook from these windows and the small courtyard area resulting in an increased sense of enclosure.

The applicant has sought to reduce the impact of the development on these windows by stepping the building down towards the rear and positioning windows that serve bathrooms, kitchens and hallways, all of which can be obscure glazed and non-opening to the northern elevation to minimise overlooking and privacy issues. The applicant also highlights that they attempted to acquire No.31, but a deal could not be agreed.

Whilst the proposed relationship is considered to be far from ideal, so too is No.31 taking its light and outlook across land outside of the owners control. Notwithstanding the view above, it is considered that the windows and the external amenity space at No.31 would still benefit from a good degree of natural light, particularly early in the day, and outlook towards the south-east. The gap between the proposed building and the southern elevation of Catherine Booth House (7m) would also allow light and outlook from and to the west. It is also noted that the occupiers/owners of No.31 have not objected to this application, although this does not necessarily indicate that no concerns exist.

Whilst it is considered that the development would have a significant impact on the residential amenity of occupiers at No.31, it is considered that, on balance, the harm would not be so significant as to withhold permission when regard is given to the number of occupiers affected, the light and outlook that would remain and wider benefits of the development as outlined.

In respect of the other adjoining occupiers to the north and east, it is again accepted that the proposed development would introduce significant additional bulk that would affect light and outlook. However, when regard is made to the separation distances, building orientations, or the commercial use of the adjoining sites, when balanced against the benefits of the proposal, it is considered that the development would not be so harmful as to sustain a reason for refusal on amenity grounds. Two bedroom windows on the eastern elevation of the proposed building would offer views across the medical centre with more oblique views towards the amenity/children's playground. However, given the non-residential nature of the medical centre and the limited views towards the playground, it is not considered that the impact of overlooking could sustain a reason for refusal. To the west, it is considered that the impact of the

development on residential occupiers is limited by the orientation of the building and degree of separation provided by Aylward Street.

In terms of impact from the operation for the Student Halls, the surrounding area includes a number of residential developments where the potential for increased noise and disturbance would exist, particularly during the evenings. The application has been considered by the City Council's Environmental Health Team (EHT) who highlight that there have been recent reports of conflict between students residing in the two student's hostels located within Kent Street and local residents due to noise complaints as a result of some inconsiderate behaviour. However, it is highlighted that this appears to be limited to the behaviour of one or two individuals rather than the use itself and that there have been far more complaints in this locality during 2016 relating to non-student households. The EHT conclude that it has no objection to the proposed development and any matters relating to the behaviour of individuals would be dealt with using statutory nuisance or anti-social behaviour legislation.

In addition to the view of the EHT, it is worth noting that the proposal would result in a net increase of just 18 individuals (when considering the removal of two hostel rooms and a managers flat) at the site, and the proposed use would be comparable to that which operates from Catherine Booth House. A live-in caretaker would also help monitor any potential conflict and act as a point of contact should situations arise. In this respect a Student Management Plan/Community Liaison Plan would be required through a S.106 agreement detailing how the development will operate with minimal disruption to local residents, points of contact both during office and out-of-office hours and procedures for addressing potential conflict.

Overall, it is considered that the use of the site as a relatively small Student Halls of Residence, with the safeguarding measures detailed above, is unlikely to have a significant adverse impact on the amenity of adjoining occupiers in terms of increased noise and disturbance.

5. Highways implications

The application site is located within the city centre as defined within the Parking Standards and Transport Assessments Supplementary Planning Document (July 2014) which benefits from high levels of accessibility to retail, leisure, employment and healthcare facilities and is well related to public transport interchanges. As such the site is considered to be within an accessible and sustainable location from a transport perspective. The Highways Authority do however highlight that Aylward Street falls within resident parking zone JA where demand for parking on street exceeds the space available.

As submitted, the Highways Authority raised concerns in respect of parking as it was indicated within the application that the units would be occupied on long tenancies akin to dwellings which would have resulted in a higher likelihood of occupiers owning vehicles. Concerns were also raised in respect of arrival scheduling at the start of academic terms and the use of the building outside of the academic year.

However, it has since been clarified that use of the building as a Student Hall of Residence (Class C1) would be restricted by legal agreement, limiting its occupation to individual students on a full time course of education during academic terms, and for temporary residential accommodation for periods not exceeding two months outside of academic term time. A Travel Plan and Student Intake Management Plan would also be required, similar to those sought at other student hall developments, to manage arrival times and encourage alternative modes of transport.

The Highways Authority has considered this additional information and confirm that the details overcome their initial concerns and that they no longer raise an objection to the proposal as a result of its sustainable location within the city centre and occupation of the building by students who would be less likely to own vehicles.

In line with the Parking Standards SPD, secure and waterproof bicycle storage facilities for 20 bicycles (1 per study bedroom) would be provided at ground floor level in addition to separate refuse storage facilities for the Student Halls and Catherine Booth House. These facilities are considered to be adequate for the proposed development and can be secured through suitably worded planning conditions.

6. Sustainable Design and Construction

All development in the city must comply with the relevant sustainable design and construction standards as set out in policy PCS15 and the 'Sustainable design and construction' Supplementary Planning Document (SPD, adopted in 2013). Both the policy and SPD require this type of non-domestic development to achieve a BREEAM level 'Excellent', as well as further minimum standards in terms of cyclist facilities and low or zero carbon (LZC) energy technologies. As no pre-assessment has been submitted as part of the planning application, it is considered that on the basis there is a technical solution to meet the requirements of the policy, it would be necessary and reasonable to impose a planning condition to ensure the development would accord with policy PCS15 and the related SPD.

7. Recreational disturbance

To the east and west of Portsea Island are Langstone and Portsmouth Harbours, which are internationally designated as Special Protection Areas (referred to as the Solent SPAs) due to the amount of protected species (such as waders and Brent Geese) that they support. Evidence shows that new development can reduce the quality of the habitat in the Solent SPAs through recreational disturbance from the resident population. In order to comply with the Conservation of Habitats and Species Regulations 2010 (as amended), it is essential that development does not have a significant effect and therefore mitigation measures must be secured before planning permission can lawfully be granted.

The Solent Special Protection Areas Supplementary Planning Document (adopted in April 2014) confirms that increases in population within 5.6km of the Solent SPAs through development would lead to a significant effect on those SPAs. This proposal for purpose-built student accommodation is approximately 1.5km from the Solent SPAs (this measurement is to Portsmouth Harbour SPA, the closest point of Portsmouth coast to the development) and will result in a net increase in population, and therefore a significant effect on the Solent SPAs.

As set out in the Solent Special Protection Areas Supplementary Planning Document, 'due to the characteristics of this kind of residential development, specifically the absence of car parking and the inability of those living in purpose built student accommodation to have pets, the level of disturbance created, and thus the increase in bird mortality, will be less than Class C3 housing. The SDMP research showed that 47% of activity which resulted in major flight events was specifically caused by dogs off of a lead. As such, it is considered that level of impact from purpose-built student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of C3 housing'.

The proposed halls of residence would result to a net increase in population, which in all likelihood would lead to a significant effect, (as described in the Conservation of Habitats and Species Regulations 2010) on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas (SPAs). This has been acknowledged by the applicant who has indicated that they will enter into a planning obligation to provide the necessary mitigation. The Solent Special Protection Areas SPD sets out how the significant effect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation could be calculated as £543.00 ($20/5 \times £181/2$) where the SPD states 'the average number of study bedrooms in a unit of purpose built student accommodation in the city is five. As such, for the purposes of providing SPA mitigation, five study bedrooms will be considered a unit of residential accommodation'. In order to mitigate the recreational

disturbance impacts of the proposed development the applicant will be required to make a financial contribution of £543.00 to make the development acceptable in planning terms.

It is considered that, subject to the inclusion of this mitigation package within a legal agreement, there would not be a significant effect on the Solent SPAs and the requirement for a legal agreement to secure this mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

8. Other matters raised within representations.

Representations raise concerns in respect of health and safety during the construction process. Whilst this is a matter best dealt with through legislation beyond the planning system, given the constrained nature of the site, almost 100% site coverage and proximity to adjoining sensitive uses, it is considered necessary and reasonable to include a condition relating to the submission and approval (in consultation with the Highways Authority and the EHT) of a Construction Management Plan.

RECOMMENDATION 1 - That delegated authority be granted to the Assistant Director of Culture and City Development to grant Conditional Permission subject to the prior completion of an agreement pursuant to section 106 Town & Country Planning Act 1990 to secure the following planning obligations:

1. A provision to secure the accommodation of each study studio and the caretaker flat for an individual University of Portsmouth student (or those on an equivalent full-time course) during their period of study/the caretaker of the building and Catherine Booth House, and not to use the halls of residence for any purpose during academic term times other than as residential accommodation for a student during their period of study;
2. To keep and maintain the Register of Students as an accurate record of the student residents in the halls of residence and provide copy to the Assistant Director of Culture and City Development upon request;
3. At all times, other than University of Portsmouth Academic Terms, not to use the halls of residence for any purpose other than as temporary residential accommodation for periods not exceeding two months in the case of any individual resident occupying the halls of residence;
4. Mitigating the impact of the proposed development on Solent Special Protection Areas by securing the payment of a financial contribution before development commences;
5. Prepare, implement and monitor a Travel Management Plan with the submission of contact details of the Travel Management Plan Coordinator and details of arrangements for managing busy periods at the start and end of terms with associated auditing contribution;
7. Prepare, implement and monitor a Community Liaison Plan with the submission details of how the development will operate with minimal disruption to local residents, points of contact both during office and out-of-office hours and procedures for addressing potential conflict.
8. The payment of associated fees upon implementation of planning permission.

RECOMMENDATION 2 - That delegated authority be granted to the Assistant Director of Culture and City Development to add/amend conditions where necessary.

RECOMMENDATION 3 - That delegated authority be granted to the Assistant Director of Culture and City Development to refuse planning permission if the legal agreement has not been completed within three months of the date of the resolution.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 28012-PL100, 28012-PL101 Rev-B, 28012-PL102 Rev-E, 28012-PL103 Rev-B and 28012-PL104 Rev-B.

3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:

a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;

and unless otherwise agreed in writing by the LPA,

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person¹ to oversee the implementation and completion of the works.

4) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (3)c that any remediation scheme required and approved under the provisions of conditions (3)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

a) Description of remedial scheme

b) as built drawings of the implemented scheme

c) photographs of the remediation works in progress

d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (3)c.

5) (a) Notwithstanding the submitted details, unless otherwise agreed in writing with the Local Planning Authority, no development shall commence on site until a detailed schedule of materials and finishes (including samples where requested) to be used for all external surfaces

of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority; and

(b) The development shall thereafter be carried out in full accordance with the schedule approved pursuant to Condition 5(a).

6) (a) No development shall commence, unless otherwise agreed in writing by the Local Planning Authority, until a Construction Management Plan (to include construction vehicle routing, deliveries timing, the provision of loading/offloading areas, site office and contractors parking area, access arrangements to Catherine Booth House and the John Pounds Centre facilities) has been submitted to and approved in writing by the Local Planning Authority, and
(b) The approved Construction management Plan shall be implemented and maintained until the development is complete unless otherwise agreed in writing by the Local Planning Authority.

7) (a) Prior to the commencement of development, precise details of surface/storm water drainage including the layout, flow calculations and its planned future maintenance shall be submitted to and approved by the Local Planning Authority in writing.
(b) The development shall then be completed in accordance with the details approved pursuant to Condition 7(a) and thereafter permanently retained.

8) No development shall commence, unless otherwise agreed in writing by the Local Planning Authority, until written documentary evidence has been submitted to the Local Planning Authority proving that the development will achieve a minimum of 'Excellent' of the Building Research Establishment's Environmental Assessment Method (BREEAM), including two credits in issue ENE 04 and two credits from issue TRA 03, which evidence shall in the form of a BREEAM Design Stage Assessment, prepared by a licensed assessor and submitted to and approved in writing by the local planning authority, unless otherwise agreed in writing with the local planning authority.

9) Within 3 months of first occupation of the halls of residence hereby permitted (or within such extended period as may be agreed in writing with the Local Planning Authority), written documentary evidence shall be submitted to, and approved in writing by, the Local Planning Authority demonstrating that the development has achieved a minimum of level 'Excellent' of the Building Research Establishment's Environmental Assessment Method (BREEAM), including two credits in issue ENE 04 and two credits in issue TRA 03, which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the Local Planning Authority.

10) (a) Before the Student Halls of Residence hereby permitted is first brought into use, a detailed hard and soft landscaping scheme for the external areas which shall specify: species; planting sizes; spacing and density/numbers of trees/shrubs to be planted; the phasing and timing of planting; and provision for future maintenance, together with details of seating/lighting/bollards or similar street furniture structures and surface treatments of the external spaces around the building has been submitted to and approved in writing by the Local Planning Authority.

(b) The approved landscaping scheme shall then be carried out within the first planting and seeding seasons following the occupation of the halls of residence or completion of the development whichever is the sooner. Any trees or plants which, within a period of 5 years from the date of planting die, are removed or become damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

11) (a) Before the Student Halls of Residence hereby permitted is first brought into use, bicycle storage facilities shall be provided, and made available for use, in accordance with the approved drawings; and

(b) Shall thereafter be retained for storage of bicycles at all times.

12) (a) Unless otherwise agreed in writing with the Local Planning Authority, before the Student Halls of Residence hereby permitted is first brought into use, facilities for the storage of refuse and recyclable materials associated with Catherine Booth House and the Student Halls of Residence shall be provided in accordance with the approved drawings; and
(b) The facilities shall thereafter be retained for the storage of refuse and recyclable materials at all times.

13) (a) Notwithstanding the submitted details, all windows installed at upper floor level within the north facing elevation (with the exception of those to units 1, 6, 11 and 15 as shown on the approved drawings) shall be non-opening and fitted with obscure glass; and
(b) The windows shall then be permanently retained in that condition.

14) Access to all flat roof areas shall be restricted for servicing and maintenance requirements and at no time shall these areas be used as balconies or roof terraces associated with the use hereby permitted.

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or other enactment modifying or revoking that Order, no structure or plant or apparatus shall be externally mounted on the building including any works permitted by Part 16 of Schedule 2 of that Order without the prior written permission of the Local Planning Authority, obtained through the submission of a planning application.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 4) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 5) In the interests of the visual amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 6) To minimise the potential for conflict with or hazard to existing users of the surrounding highway network and impact on occupiers of adjoining residential/commercial properties in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 7) In order to ensure adequate capacity in the local drainage network to serve the development that might otherwise increase flows to the public sewerage system placing existing properties and land at a greater risk of flooding, in accordance with policy PCS12 of the Portsmouth Plan.
- 8) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.
- 9) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.

10) To secure a high quality setting to the in the interests of visual amenity in accordance with policies PCS13, PCS23 and PCS24 of the Portsmouth Plan.

11) To ensure that adequate provision is made for cyclists using the halls of residence and to promote and encourage cycling as an alternative mode of transport to the private car, in accordance with policies PCS14, PCS17 and PCS23 of the Portsmouth Plan.

12) To ensure that adequate provision is made for the storage/collection of refuse and recyclable having regard to the inclusion of a refuse chute, the need to separate refuse and recyclable materials, and the need for occupiers of ground floor users/occupiers to access the bin store in accordance with policy PCS23 of the Portsmouth Plan.

13) To protect the privacy of the occupiers of adjoining properties to the north and to prevent overlooking having regard to the proximity of the windows to neighbouring properties in accordance with policy PCS23 of The Portsmouth Plan.

14) To prevent overlooking and to protect the privacy of the occupiers of adjoining properties to the north and east having regard to the proximity of the roof areas to neighbouring properties in accordance with policy PCS23 of The Portsmouth Plan.

15) To ensure the skyline and design concept for this building remains free of visual clutter in the interests of visual amenity in accordance with policies PCS23 and PCS24 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the application process, and with the submission of amendments an acceptable proposal has been achieved.

106 BAFFINS ROAD PORTSMOUTH PO3 6BQ**CHANGE OF USE FROM PURPOSES FALLING WITHIN CLASS C3 (DWELLINGHOUSE) OR CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) TO 7 BEDROOM 8 PERSON HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)****Application Submitted By:**Town Planning Experts
FAO Miss Ema Baker**On behalf of:**

Branklin Developments

RDD: 22nd March 2017**LDD:** 4th July 2017**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

The Site

This application relates to a relatively large two-storey (with accommodation within the roof space) end of terrace dwelling located to the eastern side of Baffins Road. The property is set back from the footway by a small front garden and comprises two bedrooms and a kitchen/dining room at ground floor level with four bedrooms at first floor level and one bedroom and a bathroom at roof level. The surrounding area is predominantly residential in character.

Proposal

This application seeks planning permission to use the property as a 7 bedroom, 8 person House in Multiple Occupation (Sui Generis).

Relevant planning history

Planning permission was granted in 2016 (ref.16/00567/FUL) for the change of use from a dwellinghouse (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house). From a site visit to the property, it has been established that this permission has been implemented. As a result the description of development for the current planning application has been amended to reflect the lawful use of the property.

Planning permission was granted in 2005 (ref.A*11153/AA) for the construction of dormer windows to the front and rear roof slopes.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)) and PCS23 (Design and Conservation). The Houses in Multiple Occupation (HMOs)

Supplementary Planning Document and the Parking Standards SPD would also be material to this application.

CONSULTATIONS

Private Sector Housing

From the additional information provided, Private Sector Housing has no adverse comments to make in relation to this application.

The en-suites are slightly undersized, but from the photographs provided they appear to have adequate useable space for an occupant to carry out normal personal hygiene activities.

Highways Engineer

Baffins Road is a Road with three bus services running along it. The dwelling is in the MA residents parking zone, which offers 2 hours unrestricted parking with no return within 4 hours.

An HMO of this size (4+ bedrooms) is required to provide 2 vehicle and 4 cycle parking spaces. The existing use as a slightly smaller HMO would also have been required to provide 2 vehicle parking spaces and 4 cycle parking spaces to comply with the PCC Parking Standards & Transport Assessments SPD (July 2014). As a consequence this application would not increase the current car parking shortfall associated with the site.

As the application stands the Highways Authority would raise no highway objection subject to a condition requiring the provision of 4 secure, weatherproof cycle parking spaces to be submitted and approved.

REPRESENTATIONS

At the time of writing, three letters of representation has been received from local residents in opposition to the proposal. Their concerns can be summarised as follows:

- a) The development is out of character for the area;
- b) Over intensive use of the property;
- c) Increased noise and disturbance;
- d) Impact on Parking;
- e) Increase in refuse/waste;
- f) Fire risks; and
- g) Pressure on local services.

The application is brought to the Planning Committee as part of a request from Members for all planning applications relating to the change of use from Class C4 (HMOs) to Sui Generis HMOs to be referred to the Committee for determination.

COMMENT

The determining issues for this application relate to the suitability of the proposed HMO use within the existing community and its potential impact upon the living conditions of adjoining and neighbouring residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and parking.

Principle of the use

Planning permission is sought for the use of the property as a seven bedroom, eight person Sui Generis HMO. The property currently benefits from a lawful use as a Class C4 HMO as granted by planning permission 16/00567/FUL in 2016 which also gives flexibility to revert to and from a Class C3 Dwellinghouse.

Having regard to the current lawful use of the property as a Class C4 HMO, the proposed change of the use to a larger HMO (Sui Generis) would not result in an overall change to the

balance of uses in the context of the surrounding area and would therefore, be in accordance with policy PCS20 of the Portsmouth Plan and the supporting HMO SPD. In considering a recent appeal at 11 Baileys Road (Appeal ref.APP/Z1775/W/16/3159989, February 2017) which related to a similar development, the Inspector opined that: "Policy PCS20 of The Portsmouth Plan seeks to avoid concentrations of HMOs within the city. However, the policy is clear in that it states 'for the purposes of this policy, dwellings in use as Class C4, mixed C3/C4 use and HMOs in sui generis use will be considered to be HMOs'. Consequently, as the appeal property already has consent for a C4 use, the proposal could not result in an increase in concentration of HMOs in the City". (Similar decisions were reached by the Inspector at 37 Margate Road APP/Z1775/W/16/3159992 - Feb 2017 & 80 Margate Road APP/Z1775/W/16/3159993 - Feb 2017).

Impact on residential amenity

Whilst it is accepted that the proposal would result in a more intensive occupation of the property which could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that could allow its occupation by up to six unrelated persons or by a family of an unrestricted size.

In considering the appeal at 11 Baileys Road the Inspector opined: "The current use of the property for C4 purposes would enable occupation by up to six residents. The appeal concerns the accommodation being increased by 2 additional bedrooms, making a total of 8 bedrooms; however, this would not change the nature of the use. To effect this change the ground floor lounge and study would be converted to bedrooms. No other rooms would be affected ... I am not persuaded that sufficient evidence has been submitted to substantiate that the proposed 2 additional bedrooms, would result in material harm to their [local residents] living conditions or unbalance the local community".

In light of the decision above, it is considered that there is insufficient evidence to demonstrate that the occupation of a given property by eight individuals rather than six would result in any significant increase in noise and disturbance or that it would be likely to have a significant additional impact on the amenity of the occupiers of adjoining or nearby properties.

In terms of internal living conditions, the property has recently been renovated with the internal layout altered to provide an additional bedroom and en-suite facilities (shower, w/c and wash basin) within six of the seven bedrooms. A communal bathroom at roof level would provide facilities for the seventh bedroom. At ground floor kitchen and dining area measuring approximately 27sq.m. would provide communal cooking and living space. It is noted that a number of the proposed bedrooms exceed the minimum size standards and would provide additional space for occupants within their private spaces.

The City Council's Private Sector Housing Team has considered the submitted drawings and confirm that the proposed accommodation is appropriate for the number of occupants proposed. It is highlighted that whilst some of the en-suite bath/shower rooms appear to be slightly under sized, they appear to have adequate useable space for an occupant to carry out normal personal hygiene activities. Therefore, it is considered that the proposal would provide an acceptable standard of living accommodation for future occupiers.

Stepping away from the planning merits of the proposal, the use of the property as a Sui Generis HMO would also require a licence from the City Council's Private Sector Housing Team who would ensure adequate size standards, sanitary facilities and fire safety measures for future residents, and could provide assistance should the property not be managed appropriately. In addition, other legislation is available beyond the planning system to address concerns relating to any anti-social behaviour at the property.

Parking

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given

the current lawful use of the property and the view of the planning Inspector detailed above, it is considered that an objection on car parking standards could not be sustained.

In addition, the City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city. It is noted that the number of parking spaces required for a Sui Generis HMO with four or more bedrooms, is the same as would be required for a Class C4 HMO with four or more bedrooms or a Class C3 dwellinghouse with four or more bedrooms.

It is not considered that the addition of two further occupants would significantly increase the demand for refuse storage facilities at the site. The site benefits from front and rear gardens that could accommodate additional storage facilities if necessary.

SPA mitigation

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated, or otherwise affect protected species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. Paragraph 3.3 of the SPD states: 'Mitigation will generally not be sought from proposals for changes of use from dwellinghouses to Class C4 Houses in Multiple Occupation (HMOs) as there would not be a net increase in population. A change of use from a Class C4 HMO or a C3 dwellinghouse to a sui generis HMO is considered to represent an increase in population equivalent to one unit of C3 housing, thus resulting in a significant effect and necessitating a mitigation package to be provided'. The SPD sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £181. As a result, it is considered that with mitigation and payment through an agreement under S111 of the Local Government Act there would not be a significant effect on the SPAs. The requirement for this payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

RECOMMENDATION A: That delegated authority be granted to the Assistant Director of Culture and City Development to grant Conditional Permission subject to first securing a planning obligation or an agreement for payment of a financial contribution of £181 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas.

RECOMMENDATION B: That delegated authority be granted to the Assistant Director of Culture and City Development to refuse planning permission if the agreement referred to in Recommendation A have not been secured within three weeks of the date of the resolution pursuant to Recommendation A.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan, Block Plan and Amended Floorplans received 11.07.2017.

- 3) (a) Prior to first occupation of the property as a Sui Generis House in Multiple Occupation, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site.
- (b) The bicycle storage facilities provided pursuant to Condition 3(a) shall thereafter be retained for the parking of bicycles at all times.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

**LAND SOUTH OF HILSEA LIDO HILSEA BASTION GARDEN LONDON ROAD
PORTSMOUTH****INSTALLATION OF BMX PUMP TRACK TO LAND SOUTH OF HILSEA LIDO****Application Submitted By:**

Challinor Hall Limited
FAO Mr Lee Watson

On behalf of:

Clark & Kent Contractors
FAO Mr Clark Bridgett

RDD: 3rd April 2017

LDD: 30th May 2017

SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

The application relates to the eastern side of an area of open space to the south-east of Hilsea Lido. The site lies within the Hilsea Lines Conservation Area and adjacent to a moat, which forms part of the Hilsea Lines Scheduled Ancient Monument (SAM). The site also lies within Flood Zone 3 and is designated as public open space.

To the east of the site is a bus stop area adjacent to the A3 and there is a bus depot and petrol station to the south. The main vehicle access and car park for the Lido lies to the north of the moat and there is a bridge which provides pedestrian access over the moat to the existing open space. The site can also be accessed from footpaths to the east, south and west.

Planning permission is sought for the installation of a BMX pump track. The area for the track would measure 55m x 35m (1,925m²). The proposal is for a continuous meandering track, incorporating a series of grass banks / humps measuring between 0.6m and 1.4m in height. The banks would be grassed and the track itself would be constructed of Asphalt. The track would be enclosed by a post and rail fence and would be accessed via a gated entrance on the northern side.

There is no planning history directly relevant to this proposal.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS23 (Design and Conservation), PCS17 (Transport), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), DC21 (Contaminated Land), PCS14 (A Healthy City),

CONSULTATIONS**Historic England
Summary**

We advise that the proposed development is likely to cause harm to the significance of the scheduled monument known as Hilsea Lines, and that this may be a high level of harm. In order to properly understand the level of harm, we advise that before the application is determined, the applicant should be required to submit a revised heritage statement which includes an assessment of the impact on the significance of the scheduled monument, including impact on the significance as contributed to by its setting. the applicant should note the material on

significance in this letter. We would be happy to advise further when more information is available.

Historic England Advice

We understand that this is a proposal to construct a BMX track (with perimeter fencing) between the moat and ramparts of the scheduled monument known as Hilsea Lines list no.1001861).

The Hilsea Lines as surviving are one and three quarter miles long, with a further half mile of lines to the east having been destroyed by later development. The Lines were substantially completed by 1871 though remnants of earlier lines (completed in 1757) may survive within them, and there are later additions. The defensive earth and chalk ramparts are massive, standing 30 feet high, with brick casemate batteries, magazines and other features built into them. In addition to artillery operating from the bombproof casemates (which included barracks), earth ramps were provided so that guns could be brought up onto the ramparts. A wide, water-filled moat lies north of the ramparts and runs in a series of shallow angles, mimicking the shape of the earthen defences. This moat provides a second barrier behind the natural Ports Creek which runs parallel and to the north.

The 18th-century lines were built to defend Portsmouth and its crucial Dockyard and harbour following the outbreak of the Seven Years War. In the 1850s, concern about the threat from France under Louis Napoleon led to increased calls for the strengthening of Portsmouth's defences. The new lines were completed (by 1871) despite the development of new breech-loading rifled guns which had a longer range and could have fired on the dockyard from the landward side without needing to overrun Hilsea Lines. Forts on top of Portsdown Hill were thus being constructed at the same time as the new Lines, which became a second line of defence. The Lines were not armed until the 1880s, by which time they were already being considered as outdated.

The section of the Lines affected by this planning application is an area of flat open ground between the rampart and the moat. This area would have been intended to serve as an open killing ground which could be fired upon from rampart running east-west and the return ramparts on either side. It is important to note that although not included within the scheduled area, this open ground was an integral part of the defences.

Significance

The significance of a heritage asset can be defined as the sum of its evidential, historic, aesthetic and communal values (Conservation Principles, Historic England 2008) . The Hilsea Lines have high evidential value as the surviving structures contain considerable detailed evidence for the construction and use of the defences, including possibly the pre-19th-century phases. Historic value may be illustrative and / or associative. Very high illustrative value is clear from the way the surviving structures and moat illustrate both the general massive defensive efforts of the 19th century, and the detail of magazines, gun emplacements, open killing ground etc. The Hilsea Lines also both illustrate and are associated with the 19th-century fear of invasion from France under Emperor Napoleon III, and the response to this fear. From the Lines there are views up to the forts on Portsdown Hill, meaning that the lines also illustrate how technology rapidly overtook the slow construction of successive defensive schemes for Portsmouth.

The open ground where the BMX track is proposed has high illustrative value as a rare surviving area of the killing ground between the moat and rampart, illustrating how flanking fire would have worked. The contribution of the setting of the Lines to their heritage significance is thus particularly high in this area.

For obvious reasons, this area would have been kept clear of impediments to the flanking fire which was key to the functioning of the defences, and it remains clear today, unlike most of the other locations along the north side of the lines. It lies between the moat and the guns, and allows the relationship between the two to be clearly understood, and also it allows an

understanding of the relationship the West Demi-Bastion, the West Curtain and all the associated embrasures and earthworks.

The Scheduled Monument and Conservation Area are a rare wooded green space in the context of Portsea Island, and the aesthetic value is substantial even if downgraded by visible modern buildings and by the view of and noise from the M27 motorway. Views up to Portsdown Hill enhance this value.

The green space has high communal value as a public area used extensively for walking, cycling and other pursuits. Although difficult to quantify, this value is associated for some visitors with experience of and understanding of the historic Lines, and local history groups such as the Victorian Forts Society have a strong interest in the area.

Impact

The proposals could impact in three ways. Firstly, it could restrict the movement of anyone attempting to understand the functioning of the Lines, and thus detract from an appreciation of their significance. Secondly, it could detract from the contribution that this area makes as an open and unencumbered space to the setting of the monument. It was open and unencumbered for a reason, and that was because this was the 'killing zone' of the batteries, raked by heavy gunfire and within which nothing would survive. The presence of a BMX track is likely to detract from that, depending on the construction details for the track. Thirdly, depending on below-ground construction details (not included in the application) there would be likely to be some impact on any archaeological deposits, including those relating to the construction and use of Hilsea Lines.

The Heritage Statement provided with the application deals with the impact on setting as follows: The re-development of the site will have an impact on the setting of the Scheduled Ancient Monument, and we are not able to comment directly on this as we did not make a site visit as part of this Heritage Statement. However it does seem likely that the redevelopment of this site is positive, and given the previous use of the site, the overall affect will be neutral. (paragraph 5.5). This is an inadequate assessment of the impact on the significance of the scheduled monument, as contributed to by its setting.

Position

We advise that the proposed development is likely to cause harm to the significance of the scheduled monument, and that this may be a high level of harm. In order to properly understand the level of harm, we advise that before the application is determined, the applicant should be required to submit a revised heritage statement which includes an assessment of the impact on the significance of the scheduled monument, including impact on the significance as contributed to by its setting. The applicant should note the material on significance in this letter (above). Details of below-ground construction impacts should also be provided. We would be happy to advise further when more information is available.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

Policy

Paragraphs 131 and 132 of the National Planning Policy Framework, 2012 (NPPF) read as follows

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be

exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Updated comments:

Historic England Advice

This letter provides supplementary advice to that contained in our letter dated 15th June 2017, D Wilkinson (HE) to R Altman (Portsmouth City Council). Following discussions with Portsmouth City Council, and sight of the advice provided by PCC's Conservation Officer Mr Cracknell, dated 2nd June 2017.

We broadly agree with Mr Cracknell's assessment of the situation. Based on the information provided by Mr Cracknell, and on our own knowledge of the site and the scheduled monument (as set in our previous letter), we advise that the development will lead to a high level of harm to the scheduled monument, i.e. the harm will be less than substantial, but at the higher end of less than substantial harm.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

Relevant policy remains as set out in our previous letter.

Highways Engineer

The application is for the installation of BMX Pump track to land south of Hilsea Lido.

I have assessed the application form, drawings, General Planning and Heritage Statements and have the following comments.

The application site is within the Hilsea area and specifically Hilsea Bastion Gardens part of the Hilsea Lines, a Scheduled Ancient Monument, to the north. The site is located on the western side of the A3 (London Road) and close to the junction with the M27. To the south is a petrol filling station and small bus depot. The area identified for the BMX Pump track sits between two footpaths running east-west and over a short path which links these. There is a mix of low traffic routes, cycle lanes and shared cycle/footpaths in the surrounding area which link into the wider cycle network. It is in close proximity to a bus interchange with served by 8 bus services and due to this there is no opportunity for drop-offs in this area. There is limited car parking at Hilsea Lido to the north of the site and on the other side of London Road just south of the roundabout.

The application does not provide enough information to determine the impact on the highway of this development and I discuss this below.

Access

The application form states that access to the site will be from an existing footpath adjacent to the playing fields with a small path off this to the entrance to the BMX Pump track. This is shown on Drawing 2017-02-02 which shows a gated entrance, elsewhere within the application a timber fence enclosing the site is mentioned.

I have concerns about the access in and around the area as follows:-

a) Building over an existing footpath

The proposal results in the track being built over an existing path and while this is not identified as a public right of way it should be investigated if user rights have been established and whether the route should be diverted or formally stopped up prior to the commencement of the development.

b) New gated access from the footpath into the site

Any works adjacent to the adopted highway where the access gate meets the footway should be undertaken in liaison with the Highway Authority

c) Links to surrounding cycle network

While the site of the proposed BMX Pump track is located close to the existing cycle network it does not directly link into it and this should be remedied if visitors are expected to arrive by bike. However no information has been provided about how visitors will arrive at the site, where they will park if arriving in a vehicle. The likelihood is that they will arrive on their bikes and not by car but this has not been explicitly stated.

Parking

The application includes no information about the hours of opening, numbers of visitors, anticipated travel modes or any vehicle parking details submitted or justification offered.

The General Planning Statement includes a section which states that parking will be unaffected by the proposal but does not go on to explain why. If a large number of visitors were likely to arrive by car will the local car parks be able to accommodate them?

The applicant needs to provide additional information about how the facility is intended to operate as this will affect any response, as follows;

- will it be for used as a play area for local children and young people?;
- will it host competitions and if so how frequently?;
- will events or competitions attract crowds, if so in what numbers?;
- how will any visitors travel and where will they park?

As it stands I am not in a position to fully assess this application and must ask the applicant to provide the following information before a response can be made:-

1. details of operation of the track
2. expected number of visitors/users
3. opening / operating hours
4. travel modes of visitors/users
5. justification for lack of parking information
6. proposal to mitigate for the loss of the footpath which is to be built over

Additional comments following receipt of further information:

This memo is in response to additional information provided by the applicant, in the form of an email dated 31 May 2017 and a copy of the feasibility report.

Having assessed the additional information I have the following comments, which are in addition to my comments of 11 May 2017.

I note that the photos of the site do not show the path that was shown on the GIS mapping system when I first assessed this site and as such the proposed development does appear to be built over a footpath. I would be interested to understand why the mapping information has changed since then but it does appear that no rights of way have been established and therefore it is unlikely to be challenged.

Any works adjacent to the adopted highway where the proposed access gate meets the footway should be undertaken in liaison with the Highway Authority.

It has been confirmed that there is no intention for the site to attract visitors to events but is intended for local users who are most likely to be travelling by bike, with the suggestion that those who are coming by car can use the Hilsea Lido car park. If a large number of visitors were to arrive by car this small car park may not be able to accommodate them but given that the expectation is that most will arrive by cycle this is not envisaged to be a problem.

As it stands I would not wish to raise an objection to this application on the basis that it is going to be operated as a local 'playground' but request it be subject to a condition that limits its use on that basis and any work adjacent to the highway should be undertaken in liaison with Colas.

Asset Management Service

No comments received.

Archaeology Advisor

Thank you for your consultation. I would draw your attention to the CBAS0813 HERITAGE STATEMENT HILSEA LINES BMX TRACK HS that is included among the documentation attached to the above application on your website. This heritage statement concludes that:

'..there is limited recorded prehistoric activity as well as Roman activity within the Study Area, however some of this is close enough to the site to suggest that there could be below ground remains from these period surviving on the site. Similarly there are very few archaeological records for the medieval period. The likelihood of finding remains from these periods is assessed as low to moderate.

The site is within the Post medieval defence works known as the Hilsea Lines, which are designated as a Scheduled Ancient Monument. There is a high possibility of archaeological remains existing within the site which may be related to the construction and use of this feature between the 16th century and the 20th century.

At this time there is no information available as to impact depths for the proposed development. However it is recommended that an archaeological watching brief is maintained during the ground works to ensure that any remains revealed by the works are investigated and recorded.'

While I would broadly concur with these conclusions I feel that the heritage statement has rather underplayed the required response to the possible impact of the development upon the archaeological potential of the site (located opposite known prehistoric and Roman activity at the former Bus Station and with potential for post-medieval features relating to earlier phases of the Hilsea Lines). It is my opinion that it would be to the advantage of the developer to fully explore this potential prior to any construction phase, so that any possible issues can be highlighted and dealt with at an early stage. Therefore, while there is no indication that archaeology presents an overriding concern, I would advise that the assessment, recording and reporting of any

archaeological deposits affected by construction be secured through the attachment of a suitable condition to any planning consent that might be granted. For instance:

'That no development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Planning Authority in order to recognise, characterise and record any archaeological features and deposits that may exist here. The assessment should take the form of trial trenching across the area of the proposed development. If the results of the evaluation are deemed significant enough by Portsmouth City Council, then a programme of archaeological mitigation of impact, based on the results of the trial trenching, should be carried out in accordance with a further Written Scheme of Investigation that has been submitted to and approved by the Planning Authority. Following the completion of all archaeological fieldwork, a report will be produced in accordance with an approved programme including, where appropriate, a post-excavation assessment consisting of specialist analysis and reports together with a programme of publication and public engagement under the terms of NPPF'

Updated comments received:

The Heritage Statement submitted by the applicant recommends that, in light of the archaeological potential of the location, an archaeological watching brief take place. I am happy to endorse that and would note that this would require only a watching brief condition (and not the set of conditions securing prior evaluation).

I also note that para 6.3 of the Heritage Statement makes it clear that this recommendation is based solely on the archaeological potential of the location and was not informed by any details regarding the ground impact of construction. Clearly as the details of such ground impact become available this will influence the merits of the archaeological provision. I can confirm that if the construction does not involve a ground impact, or involves only a minimal ground impact (perhaps 30 -50 cm), then no archaeological watching brief is merited as it is unlikely that they will reach, encounter and disturb archaeological levels.

If the applicant provides details that demonstrate that the construction will not involve ground lowering (or only of a minimal depth) I can confirm that the archaeological condition need not be imposed.

Environment Agency

We have no objections to the proposed development, as submitted.

Flood risk

Contrary to the claim at section 6 of the Planning Statement that the site is outside of the mapped extreme flood extent, the site is in fact located within tidal Flood Zone 3 of our Flood Map. This indicates land with a high probability (1 in 200 year) of flooding from the sea, in accordance with the national Planning Practice Guidance (ref. 7-065-20140306).

Paragraph 103 of the National Planning Policy Framework makes clear that development in such locations must be supported by a site specific Flood Risk Assessment (FRA) that demonstrates that the development is safe without increasing flood risk elsewhere.

However, having considered the nature and detail of the proposals we are satisfied that the impacts to tidal flood risk to and from the development are low, and we have no objections to the application.

Please note that Portsmouth City Council, as Lead Local Flood Authority, are the statutory authority for advising on surface water flood risk. Therefore, we recommend consulting with your drainage/ flood risk department, who may consider that an FRA is necessary to fully assess the risks from localised sources of flooding.

Eastern Solent Coastal Partnership

Thank you for your consultation on the above application. I can confirm that the Eastern Solent Coastal Partnership (ESCP) have no objection to the proposed development.

The applicant has submitted a Planning Statement which states that the proposed development site is located within the Environment Agency's Flood Zone 1 (<1 in 1000 year annual probability), however the site is actually shown to lie within the Environment Agency's Flood Zone 3, and is therefore at risk of experiencing a 1:200 year (0.5% annual probability) extreme tidal flood event. For information, the present day 1:200 year extreme tidal level for Portsmouth Harbour is 3.2mAODN, increasing to a predicted 4.3mAODN by the year 2115, due to the effects of climate change.

Due to the scale and nature of the proposed development, the impacts from tidal flood risk will be low.

Coastal and Drainage

No comments to make.

Natural England

Natural England has no comments for consideration.

Ecology

Having reviewed the information provided and with reference to available biological records (with specific reference to known high tide geese and wader roosts) I have no concerns that this development would adversely affect any statutory or locally-designated sites of wildlife important, or any legally protected or notable habitats or species.

Contaminated Land Team

I have reviewed the above application and submitted information: Contamination Assessment. BMX Park, Hilsea Lines. W K Elson March 2016 . Incorporating laboratory tests for pollutants 'Analytical Report No. 17-11018 by The Environmental Laboratory Ltd'.

Having spoken to the environmental consultant and reviewed the report that found no indications that the existing soils are polluted. The construction of the BMX track is a paved surface with ramps/berms constructed upon embankments of imported soil. I would ask for a Method Statement to ensure soils imported for the construction are proven clean and suitable for use and verification afterwards to confirm this has been followed.

1. A Method Statement should be submitted detailing how the soils used will be imported and proven suitable for use. This should include:

- a. Structurally suitable for intended use e.g. subsoil for grading land making ramps and any other areas deeper than 0.3m and topsoil for surface landscaping
- b. Chemically suitable for end-use by testing non-composite samples of each soil for common pollutants to demonstrate that it is unpolluted compared to screening values agreed with the LPA
- c. Texturally suitable with no glass, brick, waste fragments and in particular no asbestos fragments,
- d. No propagules of Japanese Knotweed in any soils imported, and avoiding seed banks of other species such as Himalayan balsam, common ragwort, spear or and creeping/field thistle, broad-leaved and curled dock in topsoils.
- e. the suppliers BS3882: 2007 certification for the topsoil
- f. evidence of all soils provenance
- g. and a record of amount imported and area of site to be covered.

2. The development hereby permitted shall not be brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification that soils

imported onto site match the quality detailed in the Method Statement agreed under (1). Unless otherwise agreed in writing by the LPA such verification shall comprise (but not be limited to): test results, certificates demonstrating that imported soils and/or soils left in situ are free of contamination;

3. Care should be taken during excavation works especially to investigate any soils, which appear by eye (e.g. such as fibrous materials, large amounts of ash and unusual discolouration), odour (e.g. fuel, oil and chemical type odours or unusual odours such as sweet odours or fishy odours) or wellbeing (e.g. light headedness and/or nausea, burning of nasal passages and blistering or reddening of skin due to contact with soil) to be contaminated or of unusual and/or different character to expected soils. In the event of any discovery of potentially contaminated soils or materials, this discovery should be quarantined and reported to the named competent person. The location, type and quantity must be recorded and the Contaminated Land Team notified immediately and a competent Environmental Consultant appointed. Where remediation is deemed by the LPA necessary a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

REPRESENTATIONS

One letter of objection has been received from the First Group Plc, raising the following concerns:

- health and safety concerns with increased use of footpath between the site and the bus depot;
- potential increased security issues at the bus depot;
- negative impact on the Conservation Area.

One letter received in support of the proposal for the following reasons:

- the facility is likely to be well used;
- would help encourage more people to get into cycling;
- good for families.

COMMENT

Principle of the proposal

The proposal is to provide a BMX track to enhance the leisure facilities available in the Hilsea area of Portsmouth. The track would be for informal use and would have open access (i.e. no set opening times).

The site forms part of an area of public open space, as defined under Policy PCS13 of the Portsmouth Plan. Policy PCS13 states that any proposal that would result in the net loss of existing areas of open space should be refused unless there are wider public benefits from the development which outweigh the harm. The proposal would result in the loss of an area of open space measuring 1,925m², and it must therefore be determined whether there are public benefits that would outweigh this loss.

The purpose of the proposal is to enhance the leisure facilities in the Hilsea area of Portsmouth. Other than Hilsea Lido, which is only open on a seasonal basis, the existing leisure facilities in the area are limited, particularly for young adults. Prior to submitting the application, the Council carried out background research and feasibility work relating to the proposal, which determined that there would be demand and support for such a facility from the local population. Three locations for the track were considered as part of the feasibility process, and the proposed location was determined to be the most suitable in terms of accessibility. A summary of the alternative locations considered is set out below.

- Great Salterns Recreation Ground, Copnor - This was considered to offer a suitable location in terms of the existing land use and character of the site (i.e. characterised by existing recreational facilities). However, access to the site was considered to be more restricted in terms of motorway access and public transport than the other sites considered.
- King George V Playing Fields, Cosham - This was considered to be a good location in terms of wider transport links, although offered limited car parking facilities. Concern was raised about the accessibility for young people on bikes in terms of highway safety on the main road accesses.

The proposed location was determined to be the most suitable in terms of accessibility, with good access to the main roads and motorway, as well public transport links (bus stops) adjacent to the site. It was considered that the BMX track would compliment and enhance the existing recreational facilities at the site.

The provision of enhanced leisure facilities also accords with the objectives of Policy PCS14 of the Portsmouth Plan. This policy sets out various measures to help improve the health and wellbeing of the people of Portsmouth, which includes increasing opportunities for formal and informal exercise through providing open space, play, recreation and sport and leisure facilities. Therefore, whilst the provision of the BMX track would result in the loss of an area of the public open space, the benefits of the proposal in terms of the enhancement to the leisure facilities in the city, is considered to outweigh this harm. The proposal is therefore considered to be acceptable in principle in accordance with Policies PCS13 and PCS14 of the Portsmouth Plan.

The application site lies within an area covered by the Hilsea Lines Management Plan (2009-2014). Whilst this Plan only covered the period up to 2014, the aims and objectives within it are still considered to be of relevance. The overall aims of the Management Plan are to maintain Hilsea Lines as a high quality destination for quiet, informal recreation, enhance biodiversity and promote awareness and interest in the natural environment. The BMX track would be located on the western side of Hilsea Lines, adjacent to the A3 and close to existing leisure facilities including the Lido and children's play area. The BMX track would provide an additional facility for informal recreation and no specific concerns have been raised in terms of the impact on ecology / biodiversity. The development would relate to a relatively small area of land in the context of Hilsea Lines as a whole, and would be located in an area which is characterised by existing recreational facilities. It is therefore not considered that the proposal would be contrary to the overall aims of the Management Plan.

Impact on heritage assets

The proposed location of the track is on an area of grassed land, which lies between the west demi bastion and the moat of the Hilsea Lines SAM (Scheduled in 1961), and is also within the Hilsea Lines Conservation Area, No.27 (designated in 1994). As set out within the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework (NPPF), there is a duty placed on local authorities to assess the impact of development on the significance of any heritage assets. The impact of the development on the setting of the SAM and on the character and appearance of the Conservation Area must therefore be considered. Given the proposed location of the track on a currently open area of grassland within the Conservation Area and adjacent to the SAM, it would inevitably have a visual impact upon both the setting of the SAM and the character and appearance of the Conservation Area. The matter to determine is the level of significance of the impact / harm. Where a development is considered to have less than substantial harm to heritage assets, paragraph 134 of the NPPF states that the harm should be weighed against the public benefits of the proposal.

The application site measures approximately 55m x 35m and is located on the eastern side of an area of open space immediately adjacent to the moat, at the western end of Hilsea Lines. The site lies adjacent to the A3 and there is a bus depot and petrol filling station to the south,

beyond a row of trees. To the north of the site, on the opposite side of the moat is Hilsea Lido and children's play area, with its associated access road and car park. Views of the site from the A3 are broken up by a row of existing trees and from the south, views into the site are restricted by the presence of the petrol station, depot and existing trees. The proposed track would be most visible from the area immediately surrounding the site to the west and north, particularly from the remaining area of open grassland and from across the moat.

The Hilsea Lines are a former military defence structure, which extend from Tipner Lake on the north-west side of Portsea Island to Langstone Harbour to the east. The Hilsea Lines are considered to have a high degree of historic significance, representing a physical reminder of the financial and military resources invested in the defence of Britain's coast in the 19th century. It must be noted, however, that the structure of the Hilsea Lines as a whole and its surrounding context have been subject to significant change over the years. It is also notable that in the past, the part of the Lines that the application relates to has previously been in leisure use. Historic maps from 1952 indicate that at one time, there was a putting green on the site of the proposed BMX track, along with tennis courts and a roller skating rink on the adjacent land to the west. Whilst this does not in itself justify the location of the BMX track in the proposed location (particularly as these historic uses predated the designation of the heritage assets), it does indicate that there is a historic precedent for leisure uses at the site.

The existing area of open grassland to the south of the moat is considered to contribute to the understanding of the SAM, in terms of the relationship between the structure, the moat and its related field of fire. The proposed BMX track would only cover part of the open grassland, with the area to the west remaining as existing. In terms of its visual appearance, the track would be of a meandering form, with grass seeded ramps of no more than 1.4m in height. It would be surrounded by a post and rail fence, which is proposed to be pre-treated in a natural finish. Whilst the track would be visible as a distinctive structure within its context, it is not considered that it would be so significant in terms of scale and appearance as to prevent or eliminate the ability to understand or appreciate the relationship between the different elements of the SAM.

Historic England has concluded that the development would have a high degree of impact on the setting of the SAM, but that this impact can be concluded to be 'less than substantial'. It is therefore determined that the harm should be weighed against the public benefits of the proposal, as per the NPPF. As outlined earlier in this report, the proposed track is considered to provide a significant public benefit through the provision of enhanced recreational facilities for young people in the northern part of the city, which contributes to improving the health and wellbeing of residents. These public benefits are considered to outweigh the harm identified to the heritage assets in this instance.

Highway considerations

There is no vehicle access directly to the site. Any visitors arriving to the site by car would gain access via the vehicle entrance to the Hilsea Lido and play area on the northern side of the moat, where there are existing car parking facilities. The BMX track is proposed to operate as an open access track for informal recreational use. The Highways Officer has commented that if formal events were held, generating a significant level of traffic, then there may be concerns in relation to the capacity of the existing car park. The applicant has confirmed that the track is intended to be used for informal recreation, and it is considered that many people would access the track by bike. On this basis, it is not considered that the development would result in any significant highway safety concerns.

If any events were proposed to be held at the track in the future, it is considered reasonable to impose a condition to ensure that they can only take place with the prior written permission of the Planning Authority. This would ensure that matters relating to access and parking could be properly considered prior to the event taking place.

Flood Risk

The site lies within Flood Zone 3, which is a high risk flood zone. The Environment Agency and Eastern Solent Coastal Partnership have considered the proposal and commented that due to the scale and nature of the development, the impacts from tidal flood risk are considered to be low.

Ecology

On the basis of biological records held by Hampshire County Council and having regard to the nature of the development, it is determined that the creation of the track would not have an adverse impact on designated wildlife sites or protected species.

Other matters raised by representations

An objection has been received on behalf of the occupiers of the adjacent bus depot, raising concerns about health and safety and increased security problems. The main concern is that the development would encourage more people to access the site via the footpath to the south, as well as the potential for bikes to speed up and down the footpath, which would conflict with the movement of buses between the depot and adjacent bus parking area. There is also a concern that increased use of the footpath could lead to an increase in vandalism and anti-social behaviour at the depot.

Whilst some of the visitors to the BMX track may use the southern footpath for access, this is not the only access point to the site. The main access is more likely to be from the north, via the existing entrance and car park for Hilsea Lido. Furthermore, the track is intended for informal use with open access, therefore use of the footpath would be spread throughout the day rather than concentrated at specific times. Having regard to these points, it is not considered that there would be any significant health and safety impacts resulting from an increase in visitors to the site.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 2017-02-01 2017-02-02 2017-02-03 2017-02-04 2017-02-05 2017-02-10
- 3) No BMX events or competitions shall be held at the track hereby approved unless an event management plan is first submitted to and approved in writing by the Local Planning Authority. The event management plan shall include details of event timings, visitor numbers, access and parking arrangements, and the event shall be carried out strictly in accordance with the agreed details.
- 4) Prior to commencement of the development hereby approved, a Method Statement shall be submitted detailing how the soils used will be imported and proven suitable for use. This should include:
 - a. Structurally suitable for intended use e.g. subsoil for grading land making ramps and any other areas deeper than 0.3m and topsoil for surface landscaping
 - b. Chemically suitable for end-use by testing non-composite samples of each soil for common pollutants to demonstrate that it is unpolluted compared to screening values agreed with the LPA
 - c. Texturally suitable with no glass, brick, waste fragments and in particular no asbestos fragments,

- d. No propagules of Japanese Knotweed in any soils imported, and avoiding seed banks of other species such as Himalayan balsam, common ragwort, spear or and creeping/field thistle, broad-leaved and curled dock in topsoils.
- e. the suppliers BS3882: 2007 certification for the topsoil
- f. evidence of all soils provenance
- g. and a record of amount imported and area of site to be covered.

5) The development hereby permitted shall not be brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification that soils imported onto site match the quality detailed in the Method Statement agreed under Condition 4. Unless otherwise agreed in writing by the LPA such verification shall comprise (but not be limited to): test results and certificates demonstrating that imported soils and/or soils left in situ are free of contamination.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure adequate provisions are made for access and parking, in the interest of highway safety in accordance with policy PCS17 of the Portsmouth Plan.
- 4) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 5) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

INFORMATIVES

Care should be taken during excavation works especially to investigate any soils, which appear by eye (e.g. such as fibrous materials, large amounts of ash and unusual discolouration), odour (e.g. fuel, oil and chemical type odours or unusual odours such as sweet odours or fishy odours) or wellbeing (e.g. light headedness and/or nausea, burning of nasal passages and blistering or reddening of skin due to contact with soil) to be contaminated or of unusual and/or different character to expected soils. In the event of any discovery of potentially contaminated soils or materials, this discovery should be quarantined and reported to the named competent person. The location, type and quantity must be recorded and the Contaminated Land Team notified immediately and a competent Environmental Consultant appointed. Where remediation is deemed by the LPA necessary a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

FLAT A 1 WHITWELL ROAD SOUTHSEA PO4 0QP**CHANGE OF USE FROM CLASS C3 (DWELLINGHOUSE) TO PURPOSES FALLING WITHIN CLASS C3 (DWELLINGHOUSE) OR CLASS C4 (HOUSE IN MULTIPLE OCCUPATION)****Application Submitted By:**

Andrew Walker

On behalf of:

Andrew Walker

RDD: 20th April 2017**LDD:** 29th June 2017**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and refuse and recyclable materials storage.

The site

This application relates to a two-storey semi-detached property located on the north side of Whitwell Road in the 'Craneswater and Eastern' Parade Conservation Area (No.29). The property is divided into three self-contained flats and flat A is located on the ground floor with access to a basement (for storage purposes only). Each of the flats has one allocated space available on the forecourt for off-road parking.

The proposal

The applicant seeks permission for the change of use from a dwelling - 'Flat A' - (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse). Normally, a change of use between Class C3 and Class C4 would be classed as permitted development within the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). On the 1st November 2011 however, Portsmouth City Council implemented an Article 4 Direction relating to HMOs. As a result, planning permission is now required for a change of use between Class C3 (dwellinghouse) and Class C4 (House in Multiple Occupation) where between three and six unrelated people share at least a kitchen and/or bathroom.

Planning History

The relevant planning history for this site relates to the conversion of dwellinghouse into three self-contained flats that was granted conditional permission in May 1972 ref. A*28412 and the erection of a new porch and dormer window that was granted permission in August 1972 ref. A*27412/A.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS12 (Flood Risk), PCS14 (A Healthy City), PCS17

(Transport), PCS20 (houses in multiple occupation) and PCS23 (Design and Conservation). The Parking Standards and Houses in Multiple Occupation Supplementary Planning Documents would also be a material consideration.

Particular obligations fall upon the council in determining any application which might affect a listed building or its setting or a conservation area. The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 72 it is required that Local Planning Authorities pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

In addition to the aims and objectives of the NPPF and Chapter 12, specific attention is drawn to paragraph 131 of the NPPF that states: 'In determining planning applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

Also the NPPF at paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset (listed buildings and conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting; and (paragraph 133) where the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefit that outweigh that harm or loss; or (paragraph 134) where the proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

CONSULTATIONS

Private Sector Housing

None.

REPRESENTATIONS

Seven representations have been received objecting to the proposal on the grounds of:

- (a) dwelling in a poor state of repair that is already occupied as three flats should not be split into four;
- (b) increased congestion and parking problems;
- (c) increased noise, pollution, congestion and disturbance would add to existing issues in neighbourhood;
- (d) providing cycle spaces may not actually encourage their use;
- (e) over-intensive use of the property;
- (f) further waste bins and bikes in communal areas is not acceptable;
- (g) high turnover of tenants who do not respect the area is not appropriate for the conservation area
- (h) internal space not large enough for Class C4 HMO;
- (i) fire safety issues from overcrowding;
- (j) no correspondence from applicant to discuss proposal'
- (k) more people could overwhelm existing infrastructure;
- (l) concern for physical and personal security;
- (m) the shared communal areas could be negatively affected by proposal;
- (n) tenants may not be vetted and could bring anti-social behaviour issues and they may not pay a damage deposit;
- (o) applicant is difficult to contact;

- (p) illegal parking of vehicles has meant that a fire engine has been unable to turn from Whitwell Road onto Parkstone Avenue; and,
- (q) personal driveways have been blocked by cars.

COMMENT

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and refuse and recyclable materials storage.

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (HMO), to enable the applicant the flexibility to change freely between the two use classes. The property is currently in use as a dwellinghouse.

Policy PCS20 of the Portsmouth Plan states that applications for change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The Houses in Multiple Occupation (HMOs) SPD sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO use. In identifying the area surrounding the application property, none of the 49 properties within a 50 metre radius were known to be in Class C4 use. The number of HMOs as a percentage is therefore 0%, rising to 2.04% if permission was granted, under the 10% threshold set out within the HMO SPD.

Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA. When producing the HMO Count Data, three of the four properties on the HMO list sent to councillors have been identified for checking i.e. they may not be occupied within Class C4. No additional properties have been brought to the attention of the LPA to investigate.

In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, or other groups living as a single household, would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation. The HMO SPD is however, supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations.

The site benefits from some off-road parking and the applicant has confirmed that each of the flats have access to one space on the forecourt. The property is within a short walk of a highly frequency bus route and Southsea Town Centre (1.1km). As the property is occupied as flats, it is not considered to be reasonable to impose conditions relating to the secure and weatherproof storage for bicycles.

There is no indication of the proposed method of storage for refuse and recyclable materials although objection comments have indicated there are communal bins located at the rear. It is unclear whether additional facilities would be required. Even still, an objection of waste grounds would not form a sustainable reason for refusal.

Other issues raised within representations

There is separate legislation that is better placed to address issues with fire safety, infrastructure, crime/anti-social behaviour, poor state of building and access for vehicles.

The availability of the applicant or their discussion of the proposals with neighbouring properties has not been considered. This application is not to convert the building into four separate flats.

As there would be no other external alterations to the property, it is considered that the development would preserve the character and appearance of the conservation area. In dismissing an appeal at 26 Merton Road (APP/Z1775/W/16/3145065), the Inspector concluded that limited external alterations to a boundary wall that form an important part of the character and appearance/setting of the conservation area would be preserved. In this case, there are no external alterations and it would not be considered reasonable to suggest that a Class C4 use, in an area that is not imbalanced by high concentrations of HMOs, would be inappropriate for the conservation area. The character and appearance of the conservation area would therefore be preserved.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Site Location Plan (scale 1:1250 dated 20/04/2017).

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

Assistant Director of Culture and City Development
18th July 2017